A

VIEW OF THE ACTION

OF THE

FEDERAL GOVERNMENT,

IN

BEHALF OF SLAVERY.

BY WILLIAM JAY.

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"WE, THE PEOPLE OF THE UNITED STATES, do ordain and establish this Constitution."—*Federal Constitution.*

UTICA:
PUBLISHED BY J. C. JACKSON,
FOR THE N. Y. S. ANTI-SLAVERY SOCIETY.
1844.

M.E.

Entered according to the Act of Congress, in the year 1839, by
WILLIAM JAY,
In the Clerk's Office of the District Court of the United States, for the
Southern District of New York.

R. W. Roberts, Printer, 58 Genesee Street, Utica.

125112

VIEW, &c.

Our Fathers in forming the Federal Constitution entered into a guilty compromise on the subject of Slavery, and heavily is their sin now visited upon their children. By that instrument, the continuance of the African slave-trade was guaranteed for twenty years;—a larger proportional representation in Congress, and a larger vote in the election of the Executive, was accorded to the slave-holding, than to the other States:—the power of the nation was pledged to keep the slave in subjection; and should he ever escape from his fetters, his master was authorized to pursue and to seize him, in any and every of the sovereign States, composing our wide-spread confederacy.

We are not about to exhibit the corrupting influence of this compact on the religious sympathies and sentiments of our countrymen, in regard to slavery; nor is it our present purpose to trace the retributive justice of Heaven in that recklessness of human life, and in that contempt of human and divine obligations, which are hurrying on the slave States to anarchy and barbarism; or in the eagerness so generally exhibited by our northern politicians and merchants, to barter the constitutional rights of themselves and their fellow-citizens, for the votes and the trade of the South.*

We propose simply to take a view of the action of the Fed-

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* Before this language is condemned as harsh and exaggerated, we beg the reader to recall some of the prominent events of the last few years, connected with this subject:—the Lynch clubs and cruel inflictions of the South,—the sacking of the Charleston post-office,—the wholesale and unpunished murders at Vicksburg,—and the frequent burnings alive of negroes, and in particular, of McIntosh, taken by the citizens of St. Louis from the prison, chained to a tree, and consumed by a slow fire—and the advice of Judge Lawless to the grand jury, not to notice the diabolical atrocity, because it was in fact, the act of the community! As to the North, we point in our justification, to the innumerable mobs excited by politicians, against the friends of emancipation,—the various attempts made by the state authorities to propitiate the South, by a surrender of the freedom of speech, and of the press,—to the zeal of the merchants in our seaports, in getting up anti-abolition meetings,—to the conflagration of Pennsylvania Hall, and to the martyrdom of Lovejoy. In truth, our whole land is strewed with monuments of the wickedness and tyranny of slavery—monuments, which declare in no doubtful language, that our great national sin is not unheeded by Him, to whom vengeance belongeth.

eral Government in behalf of slavery,—a subject that has yet been but partially investigated; and we flatter ourselves, that in the course of our inquiries, we shall develope facts, which, with some at least of our readers, will possess the merit of novelty. These facts for the most part, derive their origin from

The Federal Ratio of Representation.

The Constitution provides that the members of the Lower House of Congress shall be proportioned to the free inhabitants of the States they represent, *except* that in each State, three-fifths of the slave population shall be for this purpose considered as free inhabitants. In other words, every five slaves are to be counted as three white persons. For example, if by law every 60,000 free inhabitants may elect a representative, a district containing 45,000 whites and 25,000 slaves, becomes by the *federal ratio* entitled to a member. This stipulation in the Constitution has from the beginning given the slaveholders an undue weight in the national councils. A few instances will illustrate its practical effect.* The whole number of the House of Representa-

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Note by J. C. Jackson.

* At the time Judge Jay published his latest edition of the "View," the relative position of the North and South in Congress was different from what it is now. We think it best to let the *text* stand as it is, and insert in the form of a note the alterations which the last census and the apportionment law of 1841, render it necessary to make.

The whole number of Representatives in Congress is 275. Of these, the House contains 223, sent from 26 States; divided equally between the North and the South. At the last census, the slaveholding States had a *free* population of 4,740,427, and a representation in the House under the new law of 88 members; while the free States with a population of 9,835,571 have only 135 members in the House. One representative is allowed to 70,680 inhabitants, and in cases when the fraction exceeds 36,000, in a State, it draws an additional member. By this operation, Rhode Island, South Carolina, Alabama, Tennessee, Indiana, and Illinois, each gain a member.

Were the slaves not enumerated, the slave States would have but 67 members; their number of slave Representatives is therefore 21. If FREE population were the basis of representation in the Federal Government, as it is in the majority of the States, the slave States would have

	In the Senate,	13 members.
	In the House,	67
	Electoral votes for President,	80
They have	In the Senate,	26 members.
	In the House,	88
	Electoral votes for President,	114

The operation of this principle is seen in the estimate below:

Ohio with a population of 1,519,465, has 21 members; while Virginia

tives is at present 242; sent from 26 States. Of these, the following are *slave* States, viz: — Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Missouri, and Arkansas. These States with a free population of 3,823,389, have 100 members; while the *free* States with a free population nearly double, viz. 7,003,451, have only 142 members. One representative is at present allowed to 47,700 inhabitants. Now were the slaves omitted in the enumeration, the slave States would have only 75 members. Hence it follows, that at the present moment, the slaveholding interest has a representation of TWENTY-FIVE members in *addition* to the fair and equal representation of the free inhabitants. There is certainly no good reason why the owners of human chattels, should by the fundamental law of a *Republic*, have greater privileges awarded to them than to the holders of any other kind of property whatever. But such is the compact; we seek not to change or violate it, but only to explain its operation.

Each State has as many votes for President as it has members of Congress. The rule of representation in the Lower House has already been explained; in the Senate it is different: and *each* State, whatever be its population, has two Senators, and no more. The free population of the slave States, as already stated, is *half* that of the others; but their *number* being equal, their representation in the Senate is also equal.

If free population were the principle of representation in the Federal Government, as it is with scarcely an exception in all the States, the slave States would have

In the Senate,	13 members.
In the House,	75
Electoral votes for President,	88
They *have* In the Senate,	26 members.
In the House,	100
Electoral votes for President,	126

with a *free* white population of 728,659, less than half of that of Ohio, has 15 members; when on the principle of equal representation she would be entitled to but 10 members. Pennsylvania has 26 electoral votes; while South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Kentucky, with a *free* population of only 263,032 more than Pennsylvania, have 52 electoral votes.

Here we find the secret of the power of the South, and of the obsequiousness of the North. Ohio, with a population of 947,000, has 19 members; while Virginia, with a free population of 200,000, LESS, has *two* members MORE. Take another example. Pennsylvania has 30 electoral votes; the States of South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Kentucky, with an *aggregate* free population of 189,791 *less* than Pennsylvania, have 53 electoral votes!

It cannot be supposed that this vast and most unequal representation and consequent political power, will be unemployed by its possessors. On the contrary, the slaveholders in Congress have uniformly succeeded in effecting their objects, when united among themselves. In 1836, this slave power in Congress was adroitly turned to pecuniary profit. The Surplus Revenue remaining in the Treasury on the 1st of January, 1837, was to be distributed, and the rule of distribution became a question. The income, it is true, had been derived chiefly from the industry and enterprise of the North; but the South insisted, and with her usual success, that instead of dividing the money according to population, it should be apportioned among the States according to their *electoral votes*. By this rule, the slave States, notwithstanding their inferiority in population, would share alike with the free, so far as regarded the number of their Senators; and with regard to their representatives, they would secure an apportionment of money on account of three-fifths of their two millions of slaves.

The sum allotted by this gross and monstrous rule to the States of South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Kentucky, was $6,754,588; while Pennsylvania with a free population *larger* than that of all these six States together, was to receive only $3,823,353; so that in fact the slaveholders of these States received man for man, just about twice as as many dollars from the national Treasury, as the hardworking citizens of Pennsylvania! Now as the free States have a numerical majority of members, it is important to investigate the SOURCES OF THE SLAVEHOLDING INFLUENCE IN CONGRESS. These may be regarded as threefold; first, their anxiety to protect and perpetuate slavery, renders the southern members united in whatever measures they consider important for this purpose, while the representatives from the North, having no common bond of union, are divided in opinion and effort. Secondly, a slave State having more votes to bestow on a presidential candidate, and more members in Congress to support or oppose the admin-

istration than a free State of equal white population, is of course of greater consequence in the estimation of politicians; and hence arises an influence reaching to every measure, and weighing upon every question. The peculiar character of the southern gentlemen, together with their observation of the servility of the northern politicians, have induced them to resort, and with great success, to INTIMIDATION as a third means of influence.

The practice adopted by the slaveholders of threatening on all occasions to dissolve the Union, unless they are permitted to govern it, has been too long and firmly established to need illustration. We will at present merely give a few recent instances of outrageous menaces; and to justify what we have said of the servility of northern politicians, it is sufficient to observe, that these menaces were unrebuked.

On the 18th of April, 1836, a petition against the continuance of slavery in the District of Columbia was presented to the House of Representatives, when Mr. SPEIGHT of North Carolina declared in his place, that "he had great respect for the chair as an officer of the House, and a great respect for him personally, and *nothing but that respect* prevented him from rushing to the table and *tearing that petition to pieces.*" Of course it was to be understood, that the order of the house and the rights of northern petitioners were respected not from any constitutional obligations, but solely because the speaker, himself a slaveholder, was acceptable to southern gentlemen.

Mr. HAMMOND of South Carolina, the same session, in a speech, used the following language: "I warn the abolitionists, ignorant, infatuated barbarians as they are, that if chance shall throw any of them into *our hands*, he may expect a *felon's death.*"

Mr. LUMPKIN remarked in the Senate, (January, 1838,) "If abolitionists went to Georgia, they would be *caught*:" and Mr. PRESTON declared in the same debate — "Let an abolitionist come within the borders of South Carolina, if we can catch him, we will try him, and notwithstanding all the interference of all the governments on earth, including the Federal Government, we will HANG him."

It seems probable from these declarations that abolitionists, in their southern travels, will meet with "barbarians" quite as "ignorant and infatuated" as themselves; and also, that should members of Congress, by their votes, imprudently identify themselves with abolitionists, and afterwards enter

the slave region, they could not complain of not having been explicitly warned that the gibbet was to be their fate.

Such are the sources of the slaveholding influence in Congress. The following pages will exhibit many of the results of this influence, and the first to which the reader's attention is called, is

The Obsequiousness of the Presidential Candidates.

As slaveholders are ready to hang abolitionists when they can "catch" them, it is not to be supposed that they will elect any of the proscribed sect, President of the United States. Of course, it becomes important for such gentlemen as aspire to that honor, that their ideas on the subject of human rights, should be adapted to the meridian of the slave region.

Previous to the last presidential canvass, Mr. Van Buren being a candidate, thought it prudent to write a letter for publication, containing the following passage:—"I prefer that not only you, but all the people of the United States, shall now understand, that if the desire of that portion of them which is favorable to my election to the chief magistracy should be gratified, I must go into the presidential chair *the inflexible and uncompromising opponent* of any attempt on the part of Congress to abolish slavery in the District of Columbia, *against the wishes of the slaveholding States.*"

Mr. White was a rival candidate, and deemed it expedient to give his pledge also, which he did in these terms:—"I do not believe Congress has the power to abolish slavery in the District of Columbia; and if that body did possess the power, I think the exercise of it would be the *very worst policy.* Holding these opinions, I would act on them in any situation in which I could be placed, and for both reasons would, if called on to act, *withhold my assent to any bill having in view such an object.*"

General Harrison, a third candidate, also as we have understood, wrote his letter, but not having it before us cannot quote it. We presume, however, it was thought sufficient, since an address in his behalf from his political friends in Virginia, assured the public that "*he is sound to the core on the subject of slavery.*"

Mr. Webster, the fourth and last candidate, had many years before fully committed himself as to the power of Congress over slavery in the District. He gave no pledge, and received no vote from any slave State.

Having thus seen the extent of the slaveholding power in Congress, and in some degree, its influence over political partizans, we are prepared to investigate its direct action in protecting and perpetuating the institution of slavery in the United States. The friends of that institution have always looked with distrust and alarm upon the free colored people, and have deemed it good policy to treat them with ignominy, and to prevent their acquisition of power and influence: Hence the

Efforts of the Federal Government to oppress and degrade the Free People of Color.

The Constitution of the United States acknowledges no right or disqualification founded on complexion; but those who have administered it, have made the tincture of the *skin*, of far greater importance than the qualities of either the head or the heart. So early as 1790, Congress passed an act prescribing the mode in which "any alien being a WHITE person," might be naturalized and admitted to the rights of an American citizen.

Two years after, an act was passed for organizing the militia, which was to consist of "each and every free, able-bodied WHITE male citizen," &c. No other government on earth prohibits any portion of its citizens from participating in the national defence; and this strange and degrading prohibition, utterly repugnant to the principles both of the Declaration of Independence and of the Constitution, marks the solicitude of the Federal Government to pursue the policy most agreeable to the slaveholders. But not content with this insult to colored citizens, another, and perhaps a still more wanton and malignant one, was offered by the Government in the act of 1810, organizing the Post Office Department. The 4th Section enacts that "no other than a free WHITE person shall be employed in carrying the mail of the United States, either as a post-rider or *driver* of a carriage carrying the mail," under a penalty of fifty dollars.

Any vagabond from Europe, any fugitive from our own prisons, may take charge of the United States mail; but a native born American citizen, of unimpeachable morals, and with property acquired by honest industry, may not, if his *skin* be dark, guide the horses which draw the carriage in which a bag of newspapers is deposited!

Such are the insults heaped by the Federal Government on the colored citizens throughout the States: let us see what conduct it pursues towards them *on its own territory*, over which it possesses "exclusive jurisdiction."

In 1820, Congress passed a law authorizing the WHITE citizens of the City of Washington to elect WHITE city officers; thus making a *white skin* an indispensable qualification for both suffrage and office. The *white* officers thus elected by the *white* citizens, were specially empowered by the National Legislature "to prescribe the terms and conditions on which *free negroes and mulattoes* may reside in the city." In pursuance of this grant of power, the *white* officers passed an ordinance (May 31, 1827,) requiring all the free colored persons then in Washington and wishing to remain, to be registered; and enacting, that if any free man with a colored skin should presume to *play at cards*, or even to be *present* while *another* free colored person was playing, he should be fined not exceeding five dollars; that if he should have a *dance* in his house, without permission from the *white* Mayor, he should be fined not exceeding ten dollars; that should he take the liberty to go out of his own house *after ten o'clock at night*, without a pass from a Justice of the Peace, or "some respectable citizen," (!) he might be compelled to pass the rest of the night "in a lock-up-house," and the next morning be fined ten dollars; and should any dark complexioned free man be guilty of drunkenness or profane language, he should be fined not exceeding three dollars. Thus we see with what zeal the Washington Corporation endeavors to prevent the colored citizens from affecting the manners and fashions of their white brethren. But there are still more serious matters. A colored citizen from any of the States, taking up his residence in the Capital of the Republic, is required within a certain time, not only to be registered, but also to find *two freehold sureties* in the penalty of five hundred dollars, for his good behavior; and if he does not, he is to be imprisoned till he consents to leave the seat of the Federal Government; and if he does not *prove* that he is a freeman, he shall be *sold as a slave to pay his jail fees!!*

Such are the abominable and iniquitous means used by and with the sanction of Congress, for the degradation and oppression of colored citizens. We are next to take a view of

SLAVERY UNDER THE AUTHORITY OF THE FEDERAL GOVERNMENT.

It is well known that Congress is the local legislature of the District of Columbia, and of all the territories belonging to the Union, and with powers far exceeding those possessed by any State Legislature, being unfettered with constitutional

restrictions. The authority vested in Congress over the District and territories, is virtually despotic, being an "exclusive jurisdiction in all cases whatsoever." Yet we have long had slaveholding territories. The vast domain acquired by the purchase of Louisiana, has, under the authority of Congress, been stocked with slaves, excepting so much as is north of 38½ degrees north latitude, which is, by act of Congress, specially protected from the pollution. This very law is one of the most profligate and decided acts of the Federal Government in behalf of slavery; for by means of it, the immense territory south of this line was deliberately surrendered to all the cruelties and abominations of the system; it was moreover an express acknowledgement by the Government of its power to prohibit slavery throughout the *whole* territory, and that it had made a COMPROMISE, a bargain between humanity and cruelty, religion and wickedness; and had erected on an arbitrary line, a partition wall between slavery and liberty.

But it is in the District of Columbia, and under the shadow of the proud Capitol, that the action of the Federal Government in behalf of slavery, is exhibited in its most odious and disgusting forms. We shall have occasion presently to exhibit the seat of the National Government, as the great slave mart of the North American Continent, "furnished with all appliances and means to boot." The old slave laws of Virginia and Maryland, marked by the barbarity of other days, form by Act of Congress, the slave code of the District. Of this code, a single sample will suffice. A slave convicted of setting fire to a building, shall have his head cut off, and his body divided into quarters, and the parts set up in the most public places! But let it not be supposed that Congress has not itself legislated directly on the subject of slavery. An Act of 15th May, 1820, gives the Corporation of Washington, power to "punish corporeally any SLAVE for a breach of any of their ordinances." Happy would it have been for the honor of our country, if the sympathies of its rulers in behalf of slavery, had been exhibited only on the national domain; but they pervade every portion of the confederacy, as is but too apparent in

THE INTERFERENCE OF THE FEDERAL GOVERNMENT FOR THE RECOVERY OF FUGITIVE SLAVES.

The federal constitution contains the following clause: "No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such ser-

vice or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

At the time this constitution was adopted, the cultivation and manufacture of cotton had not so far progressed, as to paralyze by their profits, the conscience of the nation, or to divest it of the sense of shame; and hence this clause although relating to slaves, forbears to name them. Is was inserted to satisfy the South; and its obvious meaning is, that Slaves escaping into States in which slavery is abolished by law, shall not *therefore* be deemed free by the State authorities, but shall be delivered by those authorities, to his master. This clause imposes an obligation on the States, but confers no power on Congress; and the Constitution moreover declares, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Hence it follows that as the power of recovering these fugitives is not delegated to Congress, it is reserved to the several States, who are bound to make such laws as may be deemed proper, to authorize the master to recover his slave. Nevertheless, the Federal Government in its zeal for slavery, has not scrupled to assume power never delegated to it and has exercised that power in gross and contemptuous violation of every principle, which in free countries, directs the administration of justice. If a Virginian enters New-York, and claims as his property a horse which he finds in the possession of one of our citizens, an impartial jury is selected to pass on his claim,—witnesses are orally, and publicly examined,—the claimant is debarred from all private intercourse with the jury,—he may not be alone with them for a moment, nor may a whisper pass between them; and when the trial is over, the jury retire to deliberate on their verdict, under the charge of an officer, who is sworn to keep them apart, and not to suffer any person to speak with them; nor can the horse be at last recovered but with the unanimous consent of the jury. But let the Virginian claim, not the horse, but the CITIZEN HIMSELF as his beast of burden, and the Federal Government makes all things easy for him. By the Act of 1793, the slaveholder may himself without oath, or process of any kind, seize his prey, where he can find him, and at his leisure, (for no time is specified,) drag him before any Justice of the Peace* in

* In New-York the Legislature has interfered, and forbidden a Justice of the Peace to act, and has therefore virtually declared the Act of Congress to be unconstitutional,—and that the power of prescribing the mode in which fugitives shall be restored, belongs exclusively to the States.

the place, whom he may prefer. This Justice is a state officer, and of the lowest judicial grade, and under no legal obligation to execute an Act of Congress, and entitled to no fees for his services. He is therefore peculiarly accessible to improper influences. Before this magistrate, who is not authorized to compel the attendance of witnesses in such a case, the slaveholder brings his victim, and if he can satisfy this judge of his own choice, "by oral testimony or *affidavit*," and for aught that appears in the law, by his own oath, that his claim is well founded, the wretched prisoner is surrendered to him as a slave for life, torn from his wife and children, bereft of all the rights of humanity, and converted into a chattel, — an article of merchandise, — a beast of burden!!

The Federal Constitution declares:—"In suits at common law, where the value in controversy shall exceed *twenty dollars*, the right of TRIAL BY JURY shall be preserved; but the Act of 1793, in suits in which "the value in controversy" exceeds all estimation, dispenses with trial by jury, and indeed with almost every safeguard of justice and personal liberty.

This law, iniquitous as it is, does not require State officers to *anticipate* the pursuit of the slaveholder, and to seize and imprison their fellow men, on mere suspicion that they may be claimed as slaves. What the Federal Government dares not do in the States, it accomplishes on its own exclusive territory, and in a manner which, for atrocious wickedness and tyranny, leaves far in the shade the vilest acts of European despotism. This is indeed strong language; but alas! language is too feeble adequately to represent the turpitude of the laws and practices sanctioned by the Federal Government, in the District under its "exclusive jurisdiction."

By the Act of 1793, a Justice can take no step for the restoration of a fugitive slave, till the fact of his being one is proved before him on oath. But in the Metropolis of the Nation, — in the city called by the name of the Father his Country, a Justice of the Peace may commit to the UNITED STATES PRISON, and into the custody of the UNITED STATES MARSHAL, any man he may choose to suspect of being a fugitive slave. Notice is then given in the newspapers of the commitment, and the unknown owner is warned to take away his property, or it will be sold according to LAW, to pay JAIL FEES.

After the doors of the dungeon have closed upon the victim, no magistrate, no court, no jury take cognizance of his claims to freedom. The jailor is the only tribunal to which

he can appeal, and how *disinterested* a tribunal will presently be seen. If a freeman, no master can of course, lawfully claim him, and not being claimed, he is sold at auction to raise money to pay an officer of the Federal Government for the trouble and expense of keeping him a few weeks in prison. What civilized government of the old world practices more execrable wickedness?*

The whole depth of this villany is not yet sounded. The disclosures we are now about making should make every ear to tingle and every heart to quake. No doubt it will occur to many that if a free man, all the prisoner has to do, to obtain his liberation, is to prove his freedom. Prove his freedom while locked up in his cell! Where is his counsel? — where his process for commanding the attendance of witnesses? where the court sitting in open day to investigate his right to freedom? where the jury to pass upon his case? The marshal, or his deputy the jailor, is the only human being, except his fellow-victims, to whom he can tell his tale. The marshal is the judge, and the sole judge of his prisoner's title to freedom. He is the arbiter of happiness and misery, of liberty and bondage: he opens the door of the dungeon, and at his sovereign will bids his captive go forth to enjoy the rights and fulfil the duties of a rational, accountable, and immortal being, or conducts him to the human shambles erected in the city of Washington, and there sells him under the hammer as a SLAVE FOR LIFE. Compared with this tremendous jurisdiction, the powers vested in the highest judicial officer in our country dwindle into insignificance. And should *such* a judge be disinterested? The very question is shocking to our every idea of justice. Disinterested! — Screened from the public eye — accountable only to that Being who seeth in secret — declaring his judgment in the recesses of the prison, he should of all men be most exempt from human passion and infirmity. *Yet to this judge the law offers a high and tempting bribe to sell men he knows to be free, and thus to become a manufacturer of slaves.* Will this

* Not as an apology for this expression, but as a reason why the writer feels more sensibly than perhaps many others on this subject, he thinks proper to mention that a free colored man belonging to his neighborhood in Westchester County, N. Y., on going to Washington some years since, was there legally kidnapped, and advertised by the marshal to be sold to pay his jail fees. A Washington paper containing the advertisement providentially fell into the hands of a citizen of the County who knew the man. A public meeting was called, and the Governor of the State, De Witt Clinton, at their request, demanded from the President his immediate release as a citizen of New-York.

statement be credited? It cannot, and ought not to be, without full and unequivocal proof, and to that proof we now appeal; premising for the better understanding of our proof, that the marshal is required to maintain the suspected fugitives while in his custody and is entitled to fees for receiving them, &c., and if unreclaimed has no means of procuring payment of his expenses and fees but from the proceeds of the sale of his prisoners; and further, that the *whole* of those proceeds are permitted by law to remain in his pocket, unless *after* the sale the master should be discovered, and should claim the balance.

On the 11th January, 1827, the committee on the District of Columbia, to whom the subject had been referred by the House of Representatives, reported that "in this District, as in all the slaveholding States in the Union, the legal presumption is, that persons of color going at large without any evidences of their freedom, are absconding slaves, and prima facie, liable to all the legal provisions applicable to that class of persons." They state that in the part of the District ceded by Virginia, a FREE NEGRO may be arrested and put in jail for three months on *suspicion* of being a fugitive; he is then to be hired out to pay his *jail fees*; and if he does not prove his freedom within twelve months, is to be sold as a SLAVE. This statement is followed by the remark, "the committee do not consider any alteration of the law in the County of Alexandria in relation to this subject, necessary!" In the County of Washington, ceded by Maryland, they inform us, "If a *free* man of color should be apprehended as a runaway, he is subjected to the payment of all *fees and rewards* given by law for apprehending runaways; and upon failure to make such payment, is liable to be sold as a slave." That is, a man *acknowedged to be free*, and unaccused of any offence, is to be sold as a *slave* to pay the "fees and rewards given by law for apprehending *runaways*." If Turkish despotism is disgraced by any enactment of equal atrocity, we are ignorant of the fact. Even the committee thought this law rather hard, and therefore they "recommended such an alteration of it as would make such charges payable by the Corporation of Washington."* But the Federal Government, unwavering in its devotion to slavery, made no alteration, and the code of Washington is to this day polluted by unquestionably the most iniquitous statute in christendom. Laws are sometimes more profligate than those who are called to administer them, and the

* See Reports of Committees, 2 Sess. 19 Cong. Vol. I. No. 43.

committee assure us that the Marshal has in all cases refrained from selling his prisoners for fees and charges, when their rights to freedom has been established; and in consequence of not availing himself of the privilege allowed him by this law, he had incurred, in the last eight years, a personal loss of $500! In other words, the Marshal's sense of justice, decency, and humanity, exceeded that of the rulers of our Republic.

On the 29th of January, 1829, the committee on the District of Columbia made a report in obedience to the instructions of the House of Representatives, "to inquire into the slave trade as it exists in and is carried on through the District." The Report proposes no interference on the part of Congress, but is virtually an apology for this vile traffic, as is apparent from the following heartless sentiments and false assertions.

"The trade alluded to, is presumed to refer more particularly to that which is carried on with the view of transporting slaves to the South, which is one way of gradually diminishing the evil complained of here; while the situation of these persons is considerably mitigated by being transplanted to a more genial and bountiful clime. Although violence may sometimes be done to their feelings in the separation of families, it is by the laws of society which operate upon them as property, and cannot be avoided as long as they exist; yet it should be some consolation to those whose feelings are interested in their behalf, to know that *their condition is more frequently bettered, and their minds happier by the exchange.*"*

To this report is appended a letter (January 13, 1829,) from the Marshal to the committee, containing most important and heart-rending statements. It appears from this letter, that from the 1st January, 1826, to 1st January, 1828, there were committed to the Washington prison as runaways, 101.

Proved to be free, and discharged,	15
Unclaimed, and sold for maintenance, and charges and fees,	5
Proved to be slaves, and delivered to their masters,	81
	101

In 1828—Committed as runaways, 78.

Proved to be free,	11
Unclaimed, or sold for jail fees, etc.	1
Delivered to their masters,	66
	78

* Reports of Committees, 2 Sess. 20 Cong. No. 60.

Here then is proof, official documentary proof, that in three years, 179 human beings were, by the authority of the Federal Government, arrested in *one* county of the District, and committed to prison on no allegation of crime, but merely to aid the slaveholders in trampling upon those great principles of human rights, for the protection of which the National Government was professedly founded. It is also in proof that of these 179 prisoners, 26 were, by the confession of the Marshal, *free* men; men whom (as appears from the report we have quoted,) he had a *legal* right to consign to hopeless and awful bondage, merely because they were too poor to pay the expenses of their unjust imprisonment; and who were indebted for their liberty, not to the laws and constitution of their country, but to the beneficence of their jailor—a beneficence too, exercised at his own pecuniary loss. Proof also is here given, that six persons unclaimed as slaves, were, by the judgment of this same jailor, without counsel, witnesses, or trial, sentenced to be sold as slaves for the purpose of raising money, the whole of which, as we shall presently see, was paid over to the judge who pronounced the sentence. The Marshal gives in his letter the particulars of the sale of the five unclaimed negroes, as follows, viz; *Si*—Amount of jail fees, etc. $84 82

Offered for sale according to law, and no person being willing to give $84 82, he was purchased by Tench Ringgold, the Marshal, for that sum, and afterwards sold by him to Robert Bown for $20, by which the Marshal lost,	64 82
Hannah Green sold for	$61 00
Maintenance, etc.	48 71
Balance remaining in Marshal's hands,	$12 29
Lewis Davis sold for	$250 00
Amount of fees, etc.	50 07
Balance remaining in Marshal's hands,	$199 93
James Green sold for	$80,00
Fees and maintenance,	49 66
Balance remaining in Marshal's hands,	$30 34
Arthur Neal sold for amount of his jail fees and maintenance, to the Marshal, being	$46 06
Sold afterwards by private sale to J. G. Hutton for	40 00
Lost by Marshal,	$06 06

The letter concludes thus: "The Marshal has always considered it to be his duty whenever a negro was committed as a runaway by a Justice of the Peace, who in all cases under the law commits them, which negro had not in his possession proof of his freedom, but alleged himself to be a freeman, to write to any part of the United States to persons who the negro affirmed could prove his freedom, urging them to send on their certificates of such negro being free; and in many instances, these letters of the Marshal or his jailor have been the means of bringing proof that the negro was free.

"The law of Maryland in force in this District, directs that the balance of sales of negroes (sold as runaways) *shall remain in the Marshal's hands* until the runaway was identified as the property of some master; and in conformity thereto, the Marshal has uniformly handed over such balance whenever the master proved his property. In a late case, Mr. Sprigg of Louisiana, lost a valuable slave, who escaped from him, and made his way to this District, and was committed to my custody, advertised and sold, according to law; leaving a balance of *five hundred dollars*, after paying maintenance, etc. in my hands. The negro was carried to Louisiana by the person who purchased him of me, discovered by his former master, Mr. Sprigg, who sent on here and claimed his money. Having ascertained that this negro was the property of Mr. Sprigg, I paid the $500 on demand to his agent here, Mr. Josiah Johnson, Senator of Congress from that State. TENCH RINGGOLD, Marshal, Dist. Col."

Such are the secrets of the prison-house, established by the Federal Government. It may be well to contemplate them in detail. It appears from the cases of SI and NEAL, that the Marshal of the United States after deciding on the liberty or bondage of his prisoners, is allowed to take his *fees* in human flesh, and the condemned becomes the *property* of the very Judge who sentenced him to servitude, and who carries him into the market there to make out of him as much money as he can. True it is, Mr. Ringgold's speculations appear not to have been very productive, but other jailor-judges may have less honesty, or more skill in negro flesh. The Marshal it seems sold his fees in the shape of SI, for only $20. No reason is assigned for this nominal price. Very probably it was a case similar to the one described by Mr. Miner, in his speech on the floor of the House of Representatives, in 1829. "In August, 1821," said Mr. M., "a black man was taken up, and imprisoned as a runa-

way. He was kept confined until October, 1822, four hundred and five days. In this time, vermin, disease, and misery had deprived him of the use his limbs. He was rendered a cripple for life, and finally discharged *as no one would buy him.*"

The Hannah and James Green sold for fees, were most likely man and wife, and may remind us that the law we are considering is utterly reckless of the most sacred relations. The proceeds of three of the five sold in 1826-7, after deducting fees, &c. is $242,56, and this sum, according to law, the Marshal retains till called for; but if the negroes were free, then, there being no claimant, the money can never be called for, and becomes the perquisite of office, and the income of the Judge of course fluctuates according to the number of freemen he condemns to slavery. Thus does the law literally press upon the Marshal the wages of unrighteousness—thus does it bribe him to the commission of wickedness. In one instance, the receipts of a single condemnation were $500, of which the Marshal was deprived only by a most extraordinary accident.

And now let us review the conduct of the Federal Government towards the free colored citizen of any State, who presumes to visit the city of Washington. At the will of a Justice of the Peace he is thrown into prison. His jailor, if he possesses the humanity and disinterestedness of Mr. Ringgold may, if he pleases, write letters to distant parts of the confederacy, although he knows that a favorable answer may keep some hundred dollars from finding their way into his pocket. If no such answer arrives, without any evidence that the letter of inquiry was ever received, the poor wretch is condemned as a slave, and the price of his bones and muscles is paid to the Judge who condemned him.

And by whom is this accursed law kept in force? By *Northern* Representatives and Senators in Congress. On the 8th February, 1836, the House of Representatives resolved, that "Congress ought not to interfere in *any way* with slavery in the District of Columbia," and no less than 82 northern men had the hardihood to record their names in favor of the resolution. To place if possible, in a still stronger light, the conduct of these men, it may be mentioned that the law we have been considering, belonged to the code of Maryland, at the time the District was ceded, and was continued in force by Act of Congress. In the meantime, the Legislature of Maryland, composed of slaveholders, yielding to the spirit of the age, has erased this foul stain from her stat-

ute-book, while our northern democrats with liberty and equality forever on their lips, in hope of getting a few southern votes for their party, discover that Congress ought not to interfere in any way with slavery in the District, although it is by the authority of Congress that freemen are converted into slaves.

We will now place side by side, two advertisements, one published by authority of Congress, in which northern men have the majority; the other by authority of the slave State of Maryland,—the first relating to a *woman* and *infant* claiming to be FREE the other to a man confessing himself a SLAVE.

"NOTICE.—Was committed to the jail of Washington county, District of Columbia, as a runaway, a negro WOMAN, by the name of Polly Leiper, and her *infant* child William; she is five feet four inches high, about twenty-three years of age. She had on when committed * * * * Says she was set free by John Campbell, of Richmond, Va., in 1818 or 1819. The owner of the above-described *woman* and *child*, if any, are requested to come and prove them, and take them away, or *they* will be SOLD FOR THEIR JAIL FEES AND OTHER EXPENSES AS THE LAW DIRECTS.

TENCH RINGGOLD, *Marshal.*"

May 19, 1827.

"RANAWAY.—Was committed to the jail of Washington County, Maryland, on the 24th December last, a mulatto man who calls himself *John McDaniel*, about 25 years of age. * * *Says he belongs* to William Hill, living at Falmouth, Va., and was sold to John Daily, living somewhere in the South. The owner of the said slave is requested to come and take him away, or *he will be released according to law.*

CHRISTIAN NEWCOMB, *Jun., Sheriff.*"

DECEMBER 10, 1827.*

The endeavors of the Federal Government to secure the restoration of fugitive slaves to their masters, is not confined either to the District of Columbia, or to the States of this confederacy. Even American diplomacy must be made subservient to the interests of the slaveholders, and republican ambassadors must bear to foreign courts the wailings of our government for the escape of human property.

On the 10th of May, 1828, the House of Representatives requested the President "to open a negotiation with the British government in the view to obtain an arrangement

* Both advertisements are taken from the Washington Intelligencer.

whereby fugitive slaves who have taken refuge in the Canadian provinces of that government, may be surrendered by the functionaries thereof to their masters, upon making satisfactory proof of their ownership of said slaves."

Here was a plain, palpable interference in behalf of slavery by a government which we are often assured by the slaveholders "has nothing to do with slavery;" and so tame and subservient were the northern members that this disgraceful resolution was adopted without even a division of the House! At the next session, the impatience of the slaveholders to know if Great Britain would restore their slaves who had taken refuge in Canada, could brook no longer delay, and the House called on the President to inform them of the result of the negotiation. The President immediately submitted a mass of documents to the House, from which it appeared that the zeal of the Executive, in behalf of "the peculiar institution," had *anticipated* the wishes of the Legislature. Two years *before* the interference of the House, viz: on the 19th of June, 1826, Mr. Clay, Secretary of State, had instructed Mr. Gallatin, American Minister, in London, to propose a stipulation for "a mutual surrender of all persons held to service or labor under the laws of either party who escape into the territories of the other." Mr. Clay dwelt on the number of fugitives in Canada, and desired Mr. Gallatin to press on the British Government the consideration that such a stipulation, would secure *to the West India planters the recovery of such of their slaves as might take refuge in the American Republic!*

Surely the Federal Government was never intended by its founders to act the part of kidnapper for West India slaveholders.

On the 24th of February, 1827, Mr. Clay again urged Mr. Gallatin to procure this stipulation, and informed him that a treaty had just been concluded with Mexico, *by which that power had engaged to restore our runaway slaves.**

On the 5th July, 1827, Mr. Gallatin communicated to his government the answer of the British Minister, that "it was utterly impossible for them to agree to a stipulation for the surrender of fugitive slaves."

Determined not to take NO for an answer, Mr. Clay desired Mr. Barbour, our then Minister in England, to renew the negotiation, inasmuch as the escape of slaves into Canada is "a growing evil;" but alas! Mr. Barbour replied that

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* Such a treaty was negotiated, but the Mexican Congress refused to ratify the base compact.

on broaching the subject to the British Minister, he had informed him "*the law of Parliament gave freedom to every slave who effected his landing on British ground.*"* To have attempted to march an army into Canada, for the purpose of seizing these fugitives, would have cost rather more than they were worth. There was, however, a territory on our southern frontier, belonging to a power less able than Great Britain to punish aggressions on her sovereignty, and hence it is that we are called to consider

The invasion of Florida, and destruction of fugitive slaves by the forces of the Federal Government.

On the 15th March, 1816, Mr. Crawford, Secretary of War, addressed a letter to General Jackson, informing him that there was a fort in Florida, occupied by between 250 and 300 blacks, and that they and the hostile Creek Indians were guilty of secret practices to inveigle negroes from the frontiers of Georgia, and directing him to call the attention of the Commandant at Pensacola to the subject. The Secretary added, that should the Commandant decline interfering, and should it be determined that the destruction of the negro fort does not require the sanction of Congress, means will be promptly taken for its reduction.

Gen. Jackson, however had, *before* the receipt of this despatch, "assumed the responsibility" of sending his orders respecting this very fort to Gen. Gaines. "If the fort harbors the negroes of our citizens, or of friendly Indians living within our territory, or holds out inducements to the slaves of our citizens to desert from their owner's service, *it must be destroyed.*—Notify the governor of Pensacola of your *advance into his territory, and for the express purpose of destroying these lawless banditti.*" The letter concludes with directions to "restore the stolen negroes to their rightful owners." (Letter of 8th April, 1816.)

Owing to some cause not explained, Gen. Gaines did not fulfil his instructions; and a gun boat was sent up the Appalachicola river by order of Commodore Patterson, and on the 27th July attacked the fort by firing red-hot shot at it. A shot entered the magazine which exploded. The result is thus stated in the official report: "Three hundred negroes, *men, women, and children,* and about 20 Indians, were in the fort; of these, 270 were killed, and the greater part of the rest *mortally* wounded."

Commodore Patterson, in his letter to the Secretary of

* State papers. 2 Sess. 20th Cong. Vol. I.

the Navy, observes: "The service rendered by the destruction of this fort, and the band of negroes who held it and the country in its vicinity, is of great and manifest importance to the United States, and particularly those States bordering on the Creek nation, as it had become a general rendezvous for *runaway slaves* and disaffected Indians—an asylum where they found arms and ammunition to protect themselves against their owners and the government. This hold being destroyed, they have no longer a place to fly to, and will not be so liable to *abscond*. The force of the negroes was daily increasing, and they had commenced several plantations on the banks of the Appalachicola."*

Various plantations have also been commenced in Canada by fugitive slaves, but being under the protection of Great Britain, and not of Spain, the Federal Government has wisely abstained from any *forcible* attempt to destroy them.

It is now time to advert to one of the most extraordinary exploits of American diplomacy, viz:

Compensation for fugitive slaves, obtained by the Federal Government.

The presence of British armed vessels in our southern waters, during the last war, afforded an opportunity to many of the slaves to escape from bondage. In 1814, and while the war was raging in all its fury, commissioners were appointed to treat of peace, and instructions were given to them as to the stipulations to be inserted in the treaty. These instructions contain the following remarkable passage. "The negroes taken from the southern States should be returned to their owners, or *paid* for at their full value. If these slaves were considered as non-combatants, they ought to be restored: if as property, they ought to be paid for." Moreover, this stipulation is expressly included "in the conditions on which you are to *insist* in the proposed negotiations." —*Letter of instructions from Mr. Monroe, Secretary of State, 28th January*, 1814.†

Thus we see that not even the calamities of war, could divert the attention of the Federal Government from the peculiar interests of the slaveholders. The commissioners were faithful to the charge thus given to them; and in the treaty concluded at Ghent, adroitly provided for the restoration of *slaves;* and in such obscure terms as ultimately secured a far more extensive concession than the British negotiators had any intention of making.

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* State papers. 2 Sess. 15th Cong. No. 65. † American State papers. Vol. IX. p. 364.

The 1st Article is as follows: "All territory, places and possessions whatever, taken from either party, by the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay; and without causing any destruction or carrying away of the artillery or other public property *originally captured* in said forts or places, and which shall *remain* upon the exchange of the ratifications of this treaty, or any *slaves* or other private property."

The treaty was ratified at Washington on the 17th February; and *six* days after, three commissioners appointed by the government appeared in the Chesapeake, authorized to demand and receive the slaves on board the British squadron still in our waters.

Captain John Clarelle happened to be at the moment in command of the British forces, and he positively refused to give up a single fugitive; contending that the stipulation in the treaty related only to slaves "originally *captured* in forts or places," and remaining in such forts or places at the exchange of the ratifications, and had no reference to the slaves who had voluntarily sought protection on board British vessels.

A few days after, Admiral Cockburn arrived, and a similar demand was made upon him. He also refused to surrender any *fugitives*, as such were not intended in the treaty, but gave up 80 slaves which were found on Cumberland Island at the time that place was *captured*, and who had not been removed previous to the exchange of ratifications; this being a case directly within the true meaning and intention of the treaty. The Secretary of State then applied to the British Charge d'Affaires at Washington, requesting him to direct the Naval Commanders in the Chesapeake to give up the fugitives on board their vessels; but Mr. Baker declined interfering, taking the same view of the article as the Admiral had done. In the meantime the squadron had sailed for Bermuda. The Government, tracking the scent of a fugitive with blood-hound keenness, forthwith despatched an agent to Bermuda in pursuit, to demand the negroes of the Governor. The worthy Englishman, nettled at a requisition so derogatory to the honor of his country, replied, "he would rather Bermuda, with every man, woman, and child in it, were sunk under the sea, than surrender one slave that had sought protection under the flag of England."

The Agent, (Thomas Spalding) nothing daunted, now assumed the diplomatist, and addressed a long argumentative despatch to Admiral Griffith, commanding on the Bermuda Station, demanding the fugitives, and promising to furnish

him with a particular list of the slaves claimed, which he expected to receive in a few days from the United States. The Admiral very cavalierly assured Mr. Spalding that it was quite unnecessary for him to wait at Bermuda for the expected document, since there was, neither at Bermuda nor any other British island or settlement, any authority "competent to deliver up persons who during the late wars, had placed themselves under the protection of the British flag."*

From British Governors and Admirals, our Government now turned to the British Cabinet, and found that there also it was held a point of honor to keep faith, even with runaway slaves. Lord Castlereagh declared that the Government never would have assented to a treaty requiring the surrender of persons who had taken refuge under the British Standard. Again was the demand made, and again was it unequivocally rejected. But the administration refused to yield, and insisted on a reference of the question to the decision of a friendly power, and named the Emperor of Russia as umpire. After tedious negotiation, this point was carried; and in 1818, a convention was concluded at London, submitting the true construction of the treaty to the Emperor, who decided in favor of the slaveholders. It now became necessary to determine how the number of the slaves, and their value, should be ascertained. Another negotiation ensued, which resulted in a second convention, by which it was agreed that each party should appoint a certain number of Commissioners, who should form a Board to sit at Washington, to receive and liquidate the claims of the masters. But difficulties soon arose. The American Commissioners insisted on *interest*, which the others refused to allow. Negotiations again commenced, till at last the British Cabinet, wearied with the pertinacity of the American Government, and sick of the controversy, entered into a third convention, (13th Nov. 1836,) by which the enormous sum of ONE MILLION TWO HUNDRED AND FOUR THOUSAND DOLLARS was paid and received in full of all demands.

Thus after a persevering negotiation, conducted for twelve years, at Washington, in the Chesapeake Bay, at Bermuda, at London, and at Petersburgh, did our Government succeed in obtaining most ample compensation for the fugitives. Commissioners were then appointed to distribute this sum; and after fixing an average value on each slave proved to have been carried away, it was found that a *surplus still remained;* and this surplus was divided among the masters!

* State papers — 14th Cong. 2d Sess. — Senate documents, No. 82.

Having now seen the success that attended the pursuit of fugitive slaves, let us next witness the

Efforts of the Federal Government to recover ship-wrecked slaves.

Considering the extent of the American slave trade, it is not surprising that our SLAVES are occasionally driven out of their course; and are sometimes wrecked upon the dangerous reefs abounding in the neighboring Archipelago.

On the 3d Jan. 1831, the Brig Comet, a regular slaver from the District of Columbia, on her usual voyage from Alexandria to New-Orleans, with a cargo of 164 slaves, was lost off the Island of Abaco. The slaves were saved, and carried into New-Providence, where they were set at liberty by the authorities of the Island. A portion of the cargo, (146 head) was insured at New-Orleans for $71,330.

On the 4th Feb. 1833, the Brig Encomium, from Charleston to New-Orleans with 45 slaves, was also wrecked near Abaco, and the slaves carried into New-Providence, where, like their predecessors, they were declared to be free.

In Feb. 1835, the Enterprise, another regular slaver from the National Domain, on her voyage to Charleston, with 78 slaves, was driven into Bermuda in distress. The passengers, instead of being thrown into prison as Bermudians would have been in Charleston under similar circumstances, were hospitably treated, and permitted to go at large. These successive and unexpected transmutations of slaves into freemen, roused the ready zeal of the Federal Government. Directly on the loss of the Comet, instructions were sent from Washington to our Minister, to demand of the British Government the value of the cargo. In 1832, another despatch was forwarded on the subject. The instructions were again renewed in 1833; the Secretary of State remarking, this case "*must* be brought to a conclusion—the doctrine that would justify the liberation of our slaves, is too dangerous to a large section of our country to be tolerated."

In 1834, fresh instructions were sent, and a demand ordered to be made for the value of the slaves in the Encomium.

In 1835, similar instructions were sent relative to the Enterprise.

In 1836, the instructions were renewed; the Secretary observing to Mr. Stevenson, "In the present state of our diplomatic relations with the Government of His Britanic Majesty, *the most immediately pressing* of the matters with

which the United States' Legation at London is now charged, is the claim of certain American citizens against Great Britain for a number of slaves, the CARGOES of three vessels wrecked in British Islands in the Atlantic."

Thus for six successive years did the Cabinet at Washington keep sending despatches to their agents in England, urging them to obtain payment from Great Britain for these *cargoes* of human flesh. Nor were those agents remiss or reluctant in fulfilling their instructions. Numerous were the letters addressed to the British Secretary, claiming either the restoration of the slaves, or their equivalent in money.

From a long and labored communication from Mr. Stevenson to Lord Palmerston, we extract the following *morceau.*

"The undersigned feels assured that it will only be necessary to refer Lord Palmerston to the provisions of the Constitution of the United States, and the laws of many of the States, to satisfy him of the *existence* of slavery, and that slaves are there regarded and protected as property: that by these laws, there is in fact *no distinction in principle between property in persons and property in things; and that the Government have more than once, in the most solemn manner, determined that slaves killed in the service of the United States, even in a state of war, were to be regarded as property, and not as persons; and the Government held responsible for their value.*"

No answer having been vouchsafed to this letter, and the argument being exhausted, Mr. Stevenson tried the virtue of a diplomatic hint that the United States would go to war for their slaves; expressing his hope in a letter to Lord Palmerston, that the British Government would "not longer consent to postpone the decision of a subject which had been for so many years under its consideration; and the effect of which can be none other than to throw not only additional impediments in the way of an adjustment, and increase those feelings of dissatisfaction and irritation which have already been excited; but by possibility tend to *disturb and weaken the kind and amicable relations which now so happily subsist between the two countries, and on the preservation of which, so essentially depend the interests and happiness of both.*" —(Letter of 31st December, 1836.)

How this hint was received we are not informed; but it is certainly not creditable to the British Government, that instead of a prompt and frank refusal to deliver into cruel and perpetual bondage, innocent men who had providentially been thrown under its protection, or to estimate their value in pounds, shillings, and pence, it had, at our last accounts,

avoided giving a decided answer to the demands of the Washington Cabinet, under pretence of taking the opinion of the law officers of the crown.

The negotiation was made public in consequence of a call by the Senate on the President (7th Feb. 1837) for a copy of the "Correspondence with the Government of Great Britain in relation to the *outrage* committed on our flag, and the rights of our citizens, by the authorities of Bermuda and New-Providence, in *seizing* the slaves on board the Brig 'Encomium' and 'Enterprise,' engaged in the *coasting trade*, but which were forced by shipwreck and stress of weather into the ports of those Islands."

The language of this resolution, indicates the influence exerted by slavery over the Federal Government. Should a murderer escape from England and land on our shores, we refuse to surrender him to the justice of his country;* but when the West Indian authorities refuse to deliver two hundred and eighty-seven innocent men, women, and children, thrown by the tempest under their protection, into hopeless, interminable slavery, the Senate solemnly pronounce the refusal to be an *outrage* on our flag, and the rights of our citizens. Moreover, the liberation of these persons is spoken of as a *seizure* of them, and the *slavers* carrying human cargoes to market, are most audaciously declared to have been engaged in the *coasting trade!* The real trade in which these vessels were engaged, was

THE AMERICAN SLAVE TRADE UNDER THE PROTECTION AND REGULATION OF THE FEDERAL GOVERNMENT.

We shall first exhibit the character and extent of this trade, and then show that it is in fact carried on under the protection and regulation of the Federal Government.

The competition of free with slave labor in the bread stuffs and some other productions of Maryland, Virginia, and North Carolina, have greatly reduced the value of slaves as laborers in those States; and hence the disposition manifested there some years since, to get rid of this unprofitable portion of their population. But the rapid extention of the cotton and sugar cultivation in the extreme South, together

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NOTE BY J. C. JACKSON.

* By a provision in the Ashburton Treaty, made with England during the time Daniel Webster was Secretary of State, this Government and that of England have mutually stipulated to deliver up persons charged with offences and escaping into the jurisdiction of either, provided such acts are considered by both as criminal offences.

with the settlement of the new States of Alabama, Mississippi, Missouri, and Arkansas, occasioned a prodigious demand for slaves; and the agriculturists of Virginia and the neighboring States discovered that their most lucrative occupation was that of raising live stock for the southern and western markets. In Georgia and South Carolina, it has also been found more advantageous to export their supernumeraries to Mobile, New-Orleans, or Natchez, than to employ them on their already well-stocked plantations. Hence has grown up an almost incredible transfer of slaves from the North to the South; and recently a new market has been opened in Texas, giving an additional stimulus to the trade. It is impossible to ascertain the exact amount of this trade, as the Secretary of the Treasury in his annual report on the commercial statistics of the United States, has never included any statements respecting this branch of the "coasting trade." But indeed, the returns from the several Custom Houses of the size and value of the human cargoes cleared for the southern ports, if given, would afford a very inadequate idea of the extent of the traffic, since it is carried on by land as well as well as by sea. Whole coffles of chained slaves are driven long and painful journeys in the interior of the Republic, much in the same manner as in the wilds of Africa. The Rev. Mr. Dickey, in a published letter thus describes a coffle he met on the road in Kentucky: —"I discovered about forty black men all chained together in the following manner: each of them was handcuffed, and they were arranged in rank and file; a chain perhaps forty feet long was stretched between two ranks, to which short chains were joined, which connected with the handcuffs. Behind them were, I suppose, *thirty women* in double rank, *the couples tied hand to hand.*"

J. K. Paulding, the present Secretary of the Navy, gives the following picture of a scene he witnessed in Virginia:

"The sun was shining out very hot, and in turning an angle of the road we encountered the following group: first, a little cart drawn by one horse, in which five or six half naked black children were tumbled like pigs together. The cart had no covering, and they seemed to have been actually broiled to sleep. Behind the cart marched three black women, with head, neck and breasts, uncovered, and without shoes or stockings; next came three men, bareheaded, half naked, and *chained together with an ox chain.* Last of all came a white man —a white man, Frank!— on horseback, carrying pistols in his belt, and who, as we passed him, had

the impudence to look us in the face without blushing. I should like to have seen him hunted by blood-hounds. At a house where we stopped a little further on, we learned that he had bought these miserable beings in Maryland, and was marching them in this manner to some of the more southern States. Shame on the State of Maryland! I say—and shame on the State of Virginia! and every State through which this wretched cavalcade was permitted to pass. Do they expect that such exhibitions will not dishonor them in the eyes of strangers, however they may be reconciled to them by education and habit?"*

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* "Letters from the South, written during an excursion in the Summer of 1816." New-York, 1817. Vol. I. Letter XI. p. 117.

It may be thought by some that the elevation to a seat in the Cabinet, of a gentleman who expresses himself with so much warmth and fearlessness against one of the "peculiar institutions of the South," militates against our idea that the influence of the Federal Government is exerted in behalf of slavery. Singular as it may appear, the appointment of Mr. Paulding is nevertheless strongly corroborative of the opinion we have advanced; and the explanation is at once easy and amusing. The "Letters from the South" were reprinted in 1835, and form the fifth and sixth volumes of an edition of "Paulding's Works." The letter from which we have quoted consists of fourteen pages, devoted to the subject of slavery. On turning to the corresponding letter in the *recent* edition we find it shrunk to *three* pages, containing no allusion to the internal trade, nor any thing else that could offend the most sensitive Southerner. In the nineteenth letter as printed in 1817, there is not a word about slavery. In the same letter as published in 1835, we meet with the following most wonderful *prediction;* a prediction that has lately been cited in the newspapers as a proof of the sagacity and foresight of the Secretary of the Navy:—

"The second cause of disunion will be found in the slave population of the South, *whenever* the misguided, or willfully malignant zeal of the advocates of emancipation, shall institute *as it one day doubtless will*, a crusade against the constitutional rights of the slave owners, by sending among them fanatical agents and fanatical tracts, calculated to render the slaves disaffected, and the situation of the master and his family dangerous; when appeals shall be made under the sanction of religion to the passions of these ignorant and excited blacks, calculated and intended to rouse their worst and most dangerous passions, and to place the very lives of their masters, their wives, and their children, in the deepest peril; *when societies are formed* in the sister States for the avowed purpose of virtually destroying the value of this principal item in the property of a southern planter; when it becomes a question mooted in the Legislatures of the States, or of the General Government, whether the rights of the master over his slave shall be any longer recognized or maintained, and when it is at last evident that nothing will preserve them but secession, then will certain of the Stars of our beautiful constellation 'start madly from their spheres and jostle the others in their wild career.'"

In the title of the new edition, the *date* of the "excursion" is modestly omitted, but the reader is not informed that the spirit of prophecy descended upon the writer, not while journeying at the South, but while witnessing in New-York the operations of *the predicted* societies, and *after* the city had been convulsed by the abolition riots.

As we are about to enter into particulars respecting the American slave trade, it may not be uninteresting to inquire who are its victims? They are *native-born Americans.* But of what color and descent? This will no doubt be deemed by many a very unnecessary question; and no little indignation will probably be excited when we answer that large numbers of these victims are *white* men and women, and the *children of American citizens.*

People at the north are disposed to be incredulous, when they hear of *white* slaves at the South; and yet a little reflection would convince them not only that there must be such slaves under the present system, but that in process of time, a large proportion of the slaves will be as white as their masters. Were there no other sources of information respecting the complexions of the southern slaves, the newspaper notices of runaways would most abundantly confirm our assertion. Of these notices, we give the following as samples.

"$100 *Reward.*—The above reward will be paid for the apprehension of my man William. He is a very bright mulatto—*straight yellowish hair.* I have no doubt he will change his name, and try to pass himself for a WHITE MAN, which he may be able to do, unless to a close observer.

T. S. PICHARD."

August 9.

"$100 *Reward.*—Ranaway from James Hyhart, Paris, Kentucky, on the 29th June last, the mulatto boy Norton,

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In 1836, Mr. Paulding published his "Slavery in the United States." In this work both the Old and the New Testament are made to give their sanction to slavery. Great Britain, in abolishing slavery in the West Indies, is charged with having "committed robbery under cover of humanity."—(p. 51.) "A community of free blacks rising among the ruins of States, lords of the soil, smoking with the habitations and blood of their exterminated masters and families," would we are assured be only fulfilling "the wishes" of the abolitionists.—(p. 56.) The advocates of immediate emancipation recommend it as asserted, "indiscriminate marriages between the whites and blacks:"—(p. 61.) and well educated respectable females amongst them are apparently anxious "to become the mothers of mulattoes."—(p. 62.) Slavery we are told "is becoming gradually divested of all its harsh features, and is now only the bugbear of the imagination:"—(p. 26.) and Mr. Paulding affirms—"In a residence of several years within the District, and a pretty extensive course of travel in some of the southern States, (the excursion in the summer of 1816, we suppose,) we never saw or heard of any such instances of cruelty.—We *saw no chains,* (!) and heard no stripes."—(p. 168.)

We trust our readers are now fully convinced of this gentleman's qualifications for the office of Secretary of the Navy, and of Mr. Van Buren's consistency in appointing him.

about 15 years, a very bright mulatto, and would be taken for a WHITE BOY, if not closely examined. His hair is black and *straight*, &c.—*New-Orleans True American*, 11*th August*, 1836."

"$100 *Reward*—Will be given for the apprehension of my negro (!) Edmund Kenney. He has *straight* hair, and complexion so nearly WHITE, that it is believed a stranger would suppose *there was no African blood in him*. He was with my boy Dick a short time since in Norfolk, *and offered him for sale*, and was apprehended, but escaped under pretence of being a WHITE MAN. ANDERSON BOWLES.

Richmond Whig, 6*th January*, 1836."

"$50 *Reward* will be given for the apprehension and delivery to me of the following slaves: Samuel, and Judy his wife, with their four children, belonging to the estate of Sacker Dubberly, deceased.

I will give $10 for the apprehension of William Dubberly a slave belonging to the estate. William is about 19 years old, QUITE WHITE, and would not readily be mistaken for a slave. JOHN T. LANE.

Newbern Spectator, 13*th March* 1837."

"$100 *Reward*.—Ranaway from the subscriber, a bright mulatto man slave, named Sam. *Light sandy hair, blue eyes, ruddy complexion*—is so WHITE as very easily to pass for a free WHITE MAN. EDWIN PECK.

Mobile, April 22, 1837."

"$50 *Reward*.—I will give the above reward of fifty dollars for the apprehension and securing in any jail, so that I get him again, or delivering to me in Dandridge, E. Tenn. my mulatto boy named Preston, about twenty years old. It is supposed he will try to pass as a *free* WHITE MAN.

JOHN ROPER.

Oct. 12, 1838."

"*Ranaway* from the subscriber, working on the plantation of Col. H. Tinker, a bright mulatto boy named Alfred. Alfred is about 18 years of age, pretty well grown, has *blue eyes, light flaxen hair, skin disposed to freckle*. He will try to pass as FREE BORN. S. G. STEWART.

Green County, Alabama."

Mr. Paxton, a Virginia writer, tells us in his work on slavery, that "the best blood in Virginia flows in the veins of the slaves."

Dr. Torrey, in his work on domestic slavery in the United States, p. 14, says: "While at a public house in Frederick-

town, there came into the bar-room on Sunday, a decently dressed white man, of quite a light complexion, in company with one who was totally black. After they went away, the landlord observed that the *white man* was a slave. I asked him with some surprise how that could be possible? To which he replied, that he was a descendant, by female ancestry, of an African slave. He also stated that not far from Fredericktown, there was a slave estate on which there were several *white* females, as of fair and elegant appearance as white ladies in general, held in legal bondage as *slaves ! !*"

A Missouri paper, reporting the trial of a *slave boy*, remarks: "All the physiological marks of distinction which characterize the African descent, had disappeared. His skin was *fair*, his hair soft, straight, fine and white, his eyes blue, but rather disposed to the hazel-nut color, nose prominent, the lips small and well formed, forehead high and prominent."

In the summer of 1835, a slaveholder from Maryland arrested as his fugitive, a young woman in Philadelphia. A trial ensued, when it was most conclusively proved that the alleged slave, Mary Gilmore, was the child of poor *Irish* parents, and had not a drop of African blood in her veins.

A paper printed at Louisville, Ky., the "Emporium," relates a circumstance that occurred in that city, in the following terms. "A laudable indignation was universally manifested among our citizens on Saturday last, by the exposure of a woman and two children for sale at public auction, at the front of our principal tavern. The woman and children were as WHITE as any of our citizens; indeed, we scarcely ever saw a child with a fairer or clearer complexion than the younger one."—*Niles's Register, June*, 1821.

Mr. Niles tells us in his Register, that Mr. Calhoun, the late Vice President, had related to him the case of a man "placed on the stand for sale as a slave, whose appearance in *all respects* gave him a better claim to the character of a WHITE MAN than most persons so acknowledged could show."—*Register, 25th Oct.* 1834.

We will now attempt to give the reader some idea of the *extent* of the trade — a trade in which human beings of every shade, from the purest white to the deepest black, are made articles of merchandise, and treated with cruelty little if any less than that which has made the African slave-trade the execration of the civilized world.

"Dealing in slaves," says the Baltimore Register, "has become a large business; establishments are made in several

places in Maryland and Virginia, at which they are sold like cattle: these places of deposit are strongly built, and well supplied with iron thumb-screws and gags, and ornamented with cowskins and other whips, oftentimes bloody."

The advertisements of the Baltimore traders show that the Maryland Colonization Society, in their endeavors to suppress the slave trade, may find a field for their labors less distant than the coast of Africa. We annex some samples.

"*Austin Woodfolk* of Baltimore, wishes to inform the slaveholders of Maryland and Virginia, that their friend still lives to give cash and the highest price for negroes," &c.

"*General Slave Agency Office.*—Gentlemen planters from the South and others who wish to purchase negroes, would do well to give me a call. LEWIS SCOTT."

"*Cash for two hundred Negroes.*—The highest cash prices will be paid for negroes of both sexes, by application to me or my agent at Booth's Garden. HOPE H. SLATER."

"*For New-Orleans.*—A coppered, copper-fastened packet-brig Isaac Franklin, will sail on the 1st Feb. for Baltimore. *Those having servants to ship* will do well by making early application to James F. Purvis," &c.

Human flesh is now the great staple of Virginia. In the Legislature of this State in 1832, THOMAS JEFFERSON RANDOLPH declared that Virginia had been converted into "*one grand menagerie, where men are reared for the market like oxen for the shambles.*" This same gentleman thus compared the foreign with the domestic traffic. "The trader (African) receives the slaves, a stranger in aspect, language, and manner, from the merchant who brought him from the interior. But *here*, sir, individuals whom the master has known from infancy — whom he has seen sporting in the innocent gambols of childhood — who have been accustomed to look to him for protection, *he tears from the mother's arms, and sells into a strange country, among a strange people, subject to cruel taskmasters.* In my opinion it is *much worse.*"

Mr. C. F. MERCER asserted in the Virginia Convention of 1829, "The tables of the natural growth of the slave population demonstrate, when compared with the increase of its numbers in the Commonwealth for twenty years past, that an annual revenue of not less than a *million and a half of dollars* is derived from the *exportation* of a part of this population."—*Debates p.* 99.

Professor E. A. Andrews gives a conversation he had with a trader on board a steam-boat on the Potomac, in 1835.

"In selling his slaves, N ——— assures me he never separates families; but that in *purchasing* them he is often compelled to do so, for that his business is to purchase, and he must take such as are in the market. Do you often buy the wife without the husband? Yes, very often; and frequently, too, they sell me the mother, while they keep the children. I have often known them take *away the infant from the mother's breast, and keep it, while they sold her.* Children from one to eighteen months old, are now worth about one hundred dollars."*

The town of Petersburg in Virginia, seems to enjoy a large share of this commerce, judging from the advertisements of its merchants.

"*Cash for Negroes.*—The subscribers are particularly anxious to make a *shipment* of negroes shortly. All persons who have slaves to part with, will do well to call as soon as possible. OVERLY & SAUNDERS."

"The subscriber being desirous of making *another shipment* by the Brig Adelaide to New-Orleans, on the first of March, will give a good market price for fifty negroes from *ten* to thirty years old. HENRY DAVIS."

"The subscriber wishes to purchase *one hundred slaves*, of both sexes, from the age of *ten* to thirty, for which he is disposed to give much higher prices than have heretofore been given. He will call on those living in the adjacent counties to see any *property*. ANSLEY DAVIS."

But of all the Virginia merchants, Mr. Collier of Richmond, seems to be the most enterprising. We give extracts from his

"*Notice.*—This is to inform my former acquaintances, and the public generally, that I yet continue in the SLAVE TRADE, *at Richmond, Virginia*, and will at all times buy and give a fair market price for *young negroes*. Persons in this State, Maryland, or North Carolina, wishing to sell lots of negroes, are particularly requested to forward their wishes to me at this place. Persons wishing to purchase lots of negroes, are requested to give me a call, as I keep constantly on hand at this place, *a great many* for sale; and have at this time the use of one hundred young negroes, consisting of boys, young men, and girls. I will sell at all times at a small advance on cost, to suit purchasers. I have comfortable rooms with a *jail* attached, for the reception of the negroes;

* Slavery and the domestic slave trade in the United States, p. 417.

and persons coming to this place to sell slaves, can be accommodated, and every attention necessary will be given to have them well attended to; and when it may be desired, the reception of the company of *gentlemen dealing in slaves*, will conveniently and attentively be received. My situation is very healthy and suitable for the business. LEWIS A. COLLIER."

Joseph Wood of Hamburg, South Carolina, a "gentleman dealing in slaves," advertises that he "has on hand a likely parcel of *Virginia* negroes and receives new supplies *every fifteen days*."

And what are the pecuniary results of this commerce? Mr. Mercer, as we have seen, estimated the annual revenue to Virginia from the export of human flesh, at *at one million and a half of dollars*. But this was in 1829, before the trade had reached its present palmy state. "The Virginia Times," in 1836, in an article on the importance of increasing the banking capital of the Commonwealth, estimates the number of slaves exported for sale the "last twelve months," at FORTY THOUSAND; each slave averaging six hundred dollars, and thus yielding a capital of TWENTY-FOUR MILLIONS, of which the Editor thinks, at least thirteen millions might be contributed for banking purposes.*

Let us now visit the "Metropolis of the Nation," the very heart of this mighty commerce in the bodies and souls of men. The District of Columbia, from its relative situation to the breeding States, forms a convenient depot for the negroes, previous to their exportation; and the non-interference of Congress, gives the traders "under the exclusive jurisdiction" of the Federal Government, as unlimited power over the treatment and stowage of their human cargoes, as their brethren enjoy, on the coast of Guinea.

Hence large establishments have grown up upon the national domain, provided with prisons for the safe-keeping of the negroes till a full cargo is procured; and should at any time the factory prisons be insufficient, the public ones, erected by Congress, are at the service of the dealers, and the United States Marshal becomes the agent of the slave trader!

It must be admitted, that the following pictures of the scenes witnessed in the District of Columbia, are drawn by impartial hands. So long ago as 1802, the grand jury of Alexandria complaining of the trade, remarked: "These dealers in the persons of our fellow-men, collect within this district from various parts, numbers of these victims of slave-

* Niles's Register.

ry, and lodge them in some place of confinement until they have completed their numbers. They are then turned out into our streets, and exposed to view *loaded with chains*, as though they had committed some heinous offence against our laws. We consider it as a grievance that citizens from a distant part of the United States, should be permitted to come within the District, and pursue a traffic fraught with so much misery to a class of beings entitled to our protection, by the laws of justice and humanity; and that the interposition of civil authority cannot be had to prevent parents being wrested from their offspring, and children from their parents, without respect to the ties of nature. We consider these grievances demanding legislative redress:"—that is, redress by Congress.

In 1816, Judge Morell of the Circuit Court of the United States, in his charge to the grand jury of Washington, observed, speaking of the slave trade: "The frequency with which the streets of the city had been *crowded with manacled captives*, sometimes on the Sabbath, could not fail to shock the feelings of all humane persons."

The same year, JOHN RANDOLPH moved in the House of Representatives for a committee "to inquire into the existence of an inhuman and illegal traffic of slaves carried on, in, and through the District of Columbia, and report whether any or what measures are necessary for putting a stop to the same." The motion was adopted; had it been made twenty years later, it would under the rules of the House, have been laid on the table, "and no further action had thereon."

The Alexandria Gazette of June 22nd, 1827, thus describes the scenes sanctioned by our professedly republican and Christian Legislature: "Scarcely a week passes without some of these wretched creatures being driven through our streets. After having been confined, and sometimes manacled in a loathsome prison, they are turned out in public view to take their departure for the South. The children and some of the women are generally crowded into a cart or wagon, while others follow on foot, not unfrequently *handcuffed and chained together*. Here you may behold fathers and brothers leaving behind them the dearest objects of affection, and moving slowly along in the mute agony of despair—there the young mother sobbing over the infant whose innocent smiles seem but to increase her misery.—From some you will hear the burst of bitter lamentation, while from others, the loud hysteric laugh breaks forth, denoting still deeper agony."

In 1828, a petition for the suppression of this trade was presented to Congress, signed by more than *one thousand inhabitants of this District.*

In 1829, the Grand Jury of Washington made a communication to Congress, in which they say, "Provision ought to be made to prevent purchasers for the purpose of removal and transportation, from making the cities of the District, depots for the *imprisonment* of the slaves they collect. The manner in which they are brought and confined in these places, *and carried through our streets*, is necessarily such as to excite the most painful feelings. It is believed that the whole community would be gratified by the *interference of Congress* for the suppression of these receptacles, and the exclusion of this *disgusting traffic* from the District."

In 1830, the "Washington Spectator" thus gave vent to its indignation.

"*The slave trade in the Capital.*—Let it be known to the citizens of America, that at the very time when the procession which contained the President of the United States and his Cabinet was marching in triumph to the Capitol, another kind of procession was marching another way; and that consisted of colored human beings, *handcuffed in pairs*, and driven along by what had the appearance of a man on horseback! A similar scene was repeated on Saturday last; a drove consisting of males and females, *chained in couples*, starting from Roly's tavern on foot for Alexandria, where with others they are to embark on board a slave ship in waiting to convey them to the South. Where is the O'Connell in this Republic that will plead for the emancipation of the District of Columbia!"

The advertisements of the dealers, indicate the *extent* of the traffic. The National Intelligencer of the 28th March, 1836, printed at Washington, contained the following advertisements.

"*Cash for five hundred Negroes*, including both sexes, from *ten* to twenty-five years of age. Persons having likely servants to dispose of, will find it their interest to give us a call, as we will give higher prices in cash, than any other purchaser who is now or may hereafter come into the MARKET.

FRANKLIN & AMFIELD, Alexandria."

"*Cash for three hundred Negroes.*—The highest cash price will be given by the subscriber, for negroes of both sexes, from the ages of twelve to twenty-eight.

WILLIAM H. WILLIAMS, Washington."

"*Cash for four hundred Negroes*, including both sexes, from twelve to twenty-five years of age.

JAMES H. BIRCH, Washington City."

"*Cash for Negroes.*—We will at all times give the highest prices in cash for likely young negroes of both sexes, from ten to thirty years of age.

J. W. NEAL & Co. Washington."

Here we find three traders in the District, advertising in one day for *twelve hundred* negroes, and a fourth offering to buy an indefinite number.

In a later number of the Intelligencer, we find the following.

"*Cash for Negroes.*—I will give the highest price for likely negroes from ten to twenty-five years of age.

GEORGE KEPHART."

"*Cash for Negroes.*—I will give cash and liberal prices for ANY number of young and likely negroes, from *eight* to forty years of age. Persons having negroes to dispose of will find it to their advantage to give me a call at my residence on the corner of Seventh-street and Maryland Avenue, and opposite Mr. Williams' *private jail.*

WILLIAM H.. RICHARDS."

"*Cash for Negroes.*—The subscriber wishes to purchase a number of negroes for the *Louisiana and Mississippi market.* Himself or an agent at all times can be found at *his jail*, on Seventh-street. WM. H. WILLIAMS."

The unhappy beings purchased by these traders in human flesh, men and women, and children of *eight* years old, are sent to the South, either over land in coffles, or by sea, in crowded slavers. Fostered by Congress, these traders lose all sense of shame; and we have in the National Intelligencer, the following announcement of the regular departure of *three slavers*, belonging to a single factory.

"*Alexandria and New-Orleans packets.*—Brig *Tribune*, Samuel C. Bush, master, will sail as above on the 1st January—Brig *Isaac Franklin*, Wm. Smith, master, on the 15th January—Brig *Uncas*, Nath. Boush, master, on the 1st February. They will continue to leave this port on the 1st and 15th of each month, throughout the shipping season. *Servants that are intended to be shipped, will at any time be received for safe-keeping at twenty-five cents a day.*

JOHN AMFIELD, Alexandria."

This infamous advertisement of the regular sailing of three slavers, and the offer of the use of the factory prison, appears in one of the principal journals of the United States. Its

proprietor has several times been chosen printer to Congress, and there is no reason for believing that he has ever lost the vote of a northern member for this prostitution of his columns.

But the climax of infamy is still untold. This trade in blood; this buying, imprisoning, and exporting of boys and girls eight years old; this tearing asunder of husbands and wives, parents and children, is all legalized *in virtue of authority delegated by Congress!!* The 249th page of the laws of the city of Washington, is polluted by the following enactment, bearing date 28th July, 1831.

"For a LICENSE to trade or traffic in slaves for profit, four hundred dollars."

Such is the character and extent of the American slave trade, impudently and wickedly called by the Senate, "the coasting trade,"—a trade protected and regulated by the very government which in the Treaty of Ghent, with wonderful assurance, declared that "the traffic in slaves is irreconcilable with the principles of justice and humanity."

The government may be fairly said to protect the trade, when it refuses to exercise its constitutional power to suppress it. The very fact that slave traders are *licensed in the District*, is a full and complete acknowledgement that there is authority competent to forbid their nefarious business. The continuance of the traffic under the immediate and "exclusive jurisdiction" of the National Government, stamps with disgrace every member of Congress who assents to it; and more especially, and with peculiar infamy, those northern members who, for party purposes, vote that "Congress ought not in *any way* to interfere with slavery in the District of Columbia."

But we are constantly told by the apologists of slavery that the American slave trade is beyond the constitutional control of the Federal Government; yet that government abolished the *African* slave trade, and no human being ever questioned its right to do so? But whence was that derived? Solely from the 8th Sec. of the 1st Art. of the Constitution, viz:—

"Congress shall have power to regulate commerce with foreign nations, and among the several States."

In virtue of this delegation of power, Congress has made it a capital crime to carry on commerce in *African* slaves. Now that this legislative prohibition of the traffic is constitutional, is proved by the highest possible authority, even the Constitution itself; for that instrument, after giving Con-

gress power to regulate commerce with foreign nations, *restricts it* from abolishing the African slave trade before the expiration of twenty years.* To *regulate*, we are told, does not include the power to destroy; yet it seems the power to regulate commerce with foreign nations does include the power to interdict an odious, cruel, and wicked branch of it. By what logic then will it be shown that the power to regulate the commerce among the several States, does not include the power to interdict a traffic in men, women, and children? Is it more wicked, more base, more cruel, to traffic in African savages than in native born Americans — in WHITE men, and women and children — in the offspring of our own citizens, and not unfrequently, of very distinguished citizens? Yet it is this abominable commerce that our government fosters and protects. We have seen its watchful guardianship over this trade in its unceasing endeavors to obtain compensation from Great Britain for 287 slaves thrown by the winds and waves under her protection. Mr. Van Buren, our Minister in England, in an official note on this subject, (Feb. 25, 1832,) remarked :—

"The Government of the United States respecting the actual and unavoidable condition of things at home, while it most sedulously and rigorously guards against the further introduction of slaves, *protects* at the same time by reasonable laws the rights of the owners of that species of property in the States where it exists, and *permits* its transfer coastwise from one of these States to another, under suitable restrictions to prevent the fraudulent introduction of foreign slaves."

By the act of Congress of 2d March, 1807, masters of vessels under 40 tons burthen, are forbidden to transport coastwise from one port to another in the United States any person of color to be sold or held as a slave, under the penalty of $800 for each slave so transported.

By the same act, masters of vessels, over 40 tons burthen sailing coastwise from one port to another, and *intending to transport persons of color to be sold or held as slaves*, must first make out duplicate manifests, specifying the names, sex, age,

* The phraseology of this restriction shows that it was intended to limit the power to regulate commerce as well "among the several States" as with foreign nations. "The *migration*, or importation of such persons as any of the existing States shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight."—(Art. I. Sec. 9.) If any State should think proper to admit slaves *migrating* from another State, it was not to be restrained from doing so till 1808. If it should think proper to *import* slaves from a foreign country, it might do so notwithstanding the wishes of Congress, till the same period.

and stature, of the persons transported, and the names and residence of their owner or shipper. These manifests are to be delivered to the collector of the port who is to retain one, and to return the other to the master with "*a permit*," endorsed on it, "authorizing him to proceed to the port of destination." If the master presumes to transport a slave without such permit, not only is the vessel forfeited, but the master is to pay a penalty of $1000 for each slave shipped. On the arrival of the vessel at the port of destination, the manifest, with the permit, is to be handed to the collector, who thereupon is to grant a "*permit*" for the landing of the slaves, and if any are landed without such permit, the master forfeits one thousand dollars. So it seems Congress may prohibit the slave trade in vessels *under* forty tons; but according to northern politicians, it would be unconstitutional to prohibit it in vessels *over* forty tons; and according to the slaveholders, such a prohibition would cause the dissolution of the Union! But alas! the permission, regulation, and protection of this traffic is in perfect keeping with

THE DUPLICITY OF THE FEDERAL GOVERNMENT IN REGARD TO THE SUPPRESSION OF THE AFRICAN SLAVE TRADE.

The great struggle for the abstract principles of human liberty, in which our fathers engaged with so much zeal, had, at the close of the revolutionary war, excited a very general conviction of the injustice of slavery. When the convention appointed to form a Federal Constitution assembled, the northern and many of the southern delegates were disposed to give the new government such unqualified power over the commerce of the nation, as would enable it to abolish a traffic no less at variance with our republican professions than with the precepts of humanity and religion. A portion of the southern delegates however, insisted on a temporary restriction of this power as the price of their adhesion to the Union; and their threat of marring the beauty, symmetry, and strength of the fair fabric about to be erected by withdrawing from it the support of the States they represented, unfortunately induced the convention to yield to their wishes, and to insert in the Constitution a clause restraining Congress from abolishing the African slave trade for twenty years. Mr. Madison has left us the following history of this iniquitous clause. "The southern States would not have entered into the union of America without the temporary permission of that trade. The gentlemen from South Carolina and Georgia, argued in this manner—'We have now

liberty to import this species of property, and much of the property now possessed has been purchased, or otherwise acquired in contemplation of improving it by the assistance of imported slaves. What would be the consequence of hindering us from it? The slaves of Virginia would rise in value and we should be obliged to go to your markets.' "—*Debates in Virginia Convention.*

We have here the solution of much contradictory action on the part of the slaveholders in regard to this trade. It seems to have been early discovered that its abolition would be advantageous to the slave-breeders, but not to the slave-buyers. Owing to climate, soil, and productions, slave labor is less profitable in Maryland and Virginia, than in the more southern States; hence, the greater demand for this labor in the latter States has, since the cessation of importation, caused a constant influx of slaves from the former. The breeders in Maryland and Viginia have, for the most part, striven in good faith for the total suppression of the African trade; while those who originally refused to enter the Union unless permitted for at least twenty years, to import their slaves directly from Africa, have since evinced very little desire to secure to their neighbors the monopoly of the market.

Whenever the opponents of Abolition find it convenient to refer to the action of the Federal Government on the subject of slavery, they laud and nagnify its horror of the *African* slave trade, and exultingly point to the law of Congress, branding it with the penalties of *piracy*. And yet we are inclined to believe, that the conduct of our government in relation to this very subject, is one of the foulest stains attached to our national administration. Has the trade been suppressed? Has the Federal Government in good faith endeavored to suppress it? These are important questions, and we shall endeavor to solve them by an appeal to facts and official documents.

In a debate in Congress in 1819, Mr. Middleton of South Carolina, stated, that in his opinion, 13,000 Africans were annually smuggled into the United States. Mr. Wright of Virginia, estimated the number at 15,000! The same year, Judge Story of the Supreme Court of the United States, in a charge to a Grand Jury, thus expresses himself:—"We have but too many proofs from unquestionable sources, that it (the African trade) is still carried on with all the implacable ferocity and insatiable rapacity of former times. Avarice has grown more subtle in its evasions, and watches and seizes its prey with an appetite quickened rather than suppres-

and by its guilty vigils. *American citizens* are steeped to their very mouths, (I can scarcely use too bold a figure,) in this stream of iniquity."

On the 22d Jan. 1811, the Secretary of the Navy wrote to the commanding naval officer at Charleston. "I hear, not without great concern, that the law prohibiting the importation of slaves, has been violated in *frequent instances*, near St. Mary's, since the gun-boats have been withdrawn from that station."

On the 14th March, 1814, the Collector of Darien, Georgia, thus wrote to the Secretary of the Treasury:—"I am in possession of undoubted information, that African and West India negroes are almost daily illicitly introduced into Georgia, for settlement, or passing through it to the territories of the United States, for similar purposes. These facts are notorious, and it is not unusual to see such negroes in the streets of St. Mary, and such too, recently captured by our vessels of war, and ordered for Savannah, were illegally bartered by *hundreds* in that city, for this bartering (or *bonding*, as it is called, but in reality *selling*,) actually took place before any decision has passed by the Court respecting them. I cannot but again express to you, sir, that these irregularities, and mocking of the laws by men who understand them, are such that it requires the immediate interposition of Congress to effect the suppression of this traffic; for as things are, should a faithful officer of the Government apprehend such negroes, to avoid the penalties imposed by the laws, *the proprietors disclaim them, and some agent of the Executive demands a delivery of the same to him, who may employ them as he pleases, or effect a sale by way of bond for the restoration of the negroes when legally called on so to do, which bond is understood to be forfeited, as the amount of the bond is so much less than the value of the property.* After much fatigue, peril, and expense, *eighty-eight* Africans are seized and brought to the Surveyor to Darien; they are demanded by the Governor's agent. Notwithstanding the knowledge which his Excellency had that these very Africans were some weeks within six miles of his Excellency's residence, there was no effort, no stir made by him, his agents or subordinate State officers, to carry the laws into execution; but no sooner than it was understood that a seizure had been effected by an officer of the United States, a demand is made for them; and it is not difficult to perceive, that the very aggressors may, by a forfeiture of the *mock bond*, be again placed in possession of the smuggled property."

In 1817, General David B. Michell, Governor of Georgia, resigned the Executive chair, and accepted the appointment under the Federal Government, of Indian Agent at the Creek Agency. He was afterwards charged with being concerned in the winter of 1817 and 1818, in the illegal importation of Africans. The documents in support of the charge, and those also which he offered to disprove it, were placed by the President in the hands of Mr. Wirt, the Attorney General of the United States, who on the 21st January, 1821, made a report on the same. From this report, it appears that no less than 94 Africans were smuggled into Georgia, and carried to Mitchell's residence. Mr. Wirt concludes his report with the expression of his conviction, "that Gen. Mitchell is guilty of having prostituted his power as Agent for Indian Affairs at the Creek Agency, to the purpose of aiding and assisting in a conscious breach of the Act of Congress of 1807, in prohibition of the slave trade, and this from mercenary motives."*

On the 22d May, 1817, the Collector at Savannah wrote to the Secretary of the Treasury:—"I have just received information from a source on which I can implicitly rely, that it has already become the practice to introduce into the State of Georgia across St. Mary's River, from Amelia Island, E. Florida, Africans who have been carried into the port of Ferdinanda. It is further understood, that the evil will not be confined altogether to Africans, but will be extended to the worst class of *West India Slaves.*"

Captain Morris of the Navy, informed the Secretary of the Navy, (18th June, 1817,)—"Slaves are smuggled in through the numerous inlets to the westward, where *the people are but too much disposed to render every possible assistance.* Several hundred slaves are now at Galveston, and persons have gone from New-Orleans to purchase them."

On the 17th April, 1818, the Collector at New-Orleans, wrote to the Secretary of the Treasury:—"No efforts of the officers of the Customs alone, can be effectual in preventing the introduction of Africans from the westward: to put a stop to that traffic, a naval force suitable to those waters is indispensable; and vessels captured with slaves *ought not to be brought into this port, but to some other in the United States, for adjudication.*" We may learn the cause of this significant hint, from a communication made the 9th July, in the same year, to the Secretary, by the Collector at Nova-Ibera.

* Senate papers, 1st Session, 17th Cong. No. 93.

"Last summer I got out State warrants, and had negroes seized to the number of eighteen, which were part of them *stolen out of the custody of the coroner;* the balance were condemned by the District Judge, and the informers received their part of the nett proceeds from the State Treasurer. Five negroes that were seized about the same time, were tried at Opelousa in May last, by the same Judge. He decided that some Spaniards that were supposed to have set up a *sham claim*, stating that the negroes had been *stolen from them on the high seas*, (!!) should have the negroes, and that the *persons who seized them should pay half the costs*, and the State of Louisiana the other. This decision had such an effect as to render it almost impossible for me to obtain any assistance in that part of the country."

The Secretary of the Treasury, in a letter to the Speaker of the House of Representatives, 20th January, 1819, remarked:—"It is understood that proceedings have been instituted under the State authorities which have terminated in the SALE of persons of color illegally imported into the States of Georgia and Louisiana, during the years 1817 and 1818. There is no authentic copy of the acts of the Legislatures of these States upon this subject in this department, but it is understood that in both States, Africans and other persons of color, illegally imported, are directed to be SOLD FOR THE BENEFIT OF THE STATE."*

We have now, we think, proved from high authority, that notwithstanding the legal prohibition of the slave trade, the people, the courts, and the Executive authority in the plant-

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* In 1835, the New-York Journal of Commerce asserted that vessels had been recently fitted out in that port for the African slave trade.

The Boston Express of 17th December, 1838, thus gives the substance of the statements made by Mr. Elliott Cresson, of the Pennsylvania Colonization Society, in a public address delivered a few days before in Boston:—

"Out of 177 slave ships which arrive at Cuba every year, five-sixths are owned and fitted out from ports in the United States; and the enormous profits accruing from their voyages remitted to this country. One house in New-York received lately for its share alone the sum of $250,000. Baltimore is largely interested in this accursed traffic as well as New-York—and even Boston, with all her religion and morality, does not disdain to increase her wealth by a participation in so damnable a business. A gentleman of the highest respectability lately informed Mr. Cresson that a sailor in this city told him that he had received several hundred dollars of hush money to make him keep silent, and when he mentioned the names of his employers the gentleman says he was actually afraid to repeat them, so high do they stand in society. A captain in the merchant service from New-York, was lately offered his own terms by two different houses provided he would undertake a slave voyage."

Of the truth of these statements we know nothing.

ing States, have afforded facilities for the importation of Africans. It now becomes important to inquire how far the Federal Government has enforced the penalties imposed by the Act forbidding the trade.

On the 7th January, 1819, Joseph Nourse, Register of the Treasury, in an official document submitted to Congress, certified that there were no records in the Treasury department of any forfeitures under the Act of 1807, abolishing the slave trade! So that notwithstanding the thirteen or fifteen thousand slaves, said by southern members of Congress to be annually smuggled into the United States—notwithstanding American citizens were declared by a Judge of the Supreme Court to be "steeped to their very mouths in this stream of iniquity," *not one single forfeiture* had in eleven years reached the Treasury of the United States! Mr. Nourse, however, states, that it was *understood* that there had been recently *two* forfeitures, one in South Carolina, and the other in Alabama. Respecting the first, we have no information; of the latter, we are able to present the following extraordinary history.

The Collector at Mobile, writing Nov, 15, 1818, to the Secretary of the Treasury, remarks, "Should West Florida be given up to the Spanish authorities, both the American and Spanish vessels it is to be apprehended will be employed in the importation of slaves with an ultimate destination to this country; and even in its present situation, the greatest facilities are afforded for obtaining slaves from Havanna and elsewhere through West Florida. *Three* vessels, it is true, were taken in the attempt last summer, but this was owing rather to *accident* than any well-timed arrangement to prevent the trade."

These three vessels brought in 107 slaves. By what mistake they were captured we are not informed, but another letter from the Collector shows us how the "accident" was remedied. "The vessels and cargoes and slaves have been delivered on *bonds;* the former to the owners, and the slaves to three other persons. The Grand Jury found true bills against the owners of the vessels, masters and supercargo—*all of whom have been discharged*—why or wherefore, I cannot say, except that it could *not* be for want of proof against them." From this letter it is most probable that the forfeiture of which Mr. Nourse had heard, if any in fact occurred, was the collusive forfeiture of the Bonds.*

* The documents we have quoted on this subject, are to be found in Reports of Committees.—1st Sess. 21st Cong. No. 348.

We most freely acknowledge that so far as the statute book is to be received as evidence, there can be no question of the sincerity and zeal with which the Federal Government has labored to suppress the African slave trade: but laws do not execute themselves, and we shall now appeal to the statute book, and to the minutes of Congress, to convict the Government of gross hypocrisy and duplicity.

It is difficult to understand why men who are engaged in breeding slaves for the market, or why men who are employed in buying and working slaves, should have any moral or religious scruples about the African trade; and when we find political leaders professing to be ready to sacrifice the Union to secure the perpetuity of the *American* trade, we may surely be excused for doubting the sincerity of their denunciations against the foreign traffic.

In the year 1817, a new and sudden zeal was excited in Congress for the abolition of the trade, and this zeal as we shall see, was the offspring of the efforts of Virginia to colonize the free blacks. The legislature of that State had for years been anxious to get rid, not of the slaves, but of the free negroes. On the 1st January, 1817, the Colonization Society, the result of Virginia policy, was organized at Washington, and immediately presented a memorial to Congress praying for national countenance. The committee to whom this memorial was referred, reported (11th Feb.) two resolutions:—1st, Calling on the President to enter into negotiations with foreign powers for the "entire and immediate abolition of the traffic in slaves;" and 2nd, asking him to obtain the consent of Great Britain to our colonizing free people of color at Sierra Leone. Thus early was the cause of Colonization connected with the agitation in Congress about the slave trade; a connexion from which, as we shall presently see, the Society reaped a very large pecuniary advantage. The resolutions were not acted on, and the next session, Mr. Mercer, regarded in Virginia as the father of the Society, succeeded in getting a vote of the House (Dec. 30th, 1817,) instructing the committee on the memorial from the Society, to report on the expediency of rendering the laws against the slave trade more effectual. Of this committee Mr. Mercer was himself the chairman; and he recommended in his report, that the President should take measures for procuring *suitable territory in Africa for colonizing free people of color with their own consent;* and that armed vessels should occasionally be sent to Africa for the purpose of interrupting the trade. The suggestions of the commit-

tee were not adopted, but the ensuing session, (3d March, 1819,) a new act against the slave trade was passed, which gave "a local habitation" to the present colony of Monrovia; and was equivalent to a liberal and national grant to the Society. By this act, the President was authorized to restore to their country, such Africans as might be captured on board of slavers, or illegally introduced into the United States; and he was to appoint agents on the coast to receive them. Mr. Monroe, then President of the United States, was a zealous colonizationist, and was afterwards placed at the head of the Auxiliary Society. Let us see what use he made of the powers entrusted to him by the act of 1819. Many years after, an inquiry was instituted in Congress as to the expenditures under this law, and the Secretary of the Navy (1830,) reported that "252 persons* of this description (recaptured Africans,) have been removed to the settlement provided by the Colonization Society on the coast of Africa; and that there had been expended therefor, the sum of *two hundred and sixty-four thousand seven hundred and ten dollars.* * * * The practice has been to furnish these persons with provisions for a period of time after being landed in Africa, varying from six months to one year; to provide them with houses, arms, and ammunition; to pay for the erection of fortifications, for the building of vessels for their use, and in short to *render all the aid required for the founding and support of a colonial establishment.*"

A report from Amos Kendall, Fourth Auditor of the Treasury, discloses more particularly the manner in which the "*Act in addition to the Acts prohibiting the slave trade,*" was made subservient to the purposes of the Colonization Society.

"In May, 1822, the Secretary of the Navy directed that *ten* liberated Africans should be delivered to Mr. J. Ashmun, for transportation to Africa. The Secretary authorized him to take out at the *expense of the Government,* 15,000 hard

* We have not been able to ascertain from what sources these Africans were obtained, but that they were not *all* of them trophies of the zeal of our cruisers in the cause of humanity, appears from the following extracts from official documents. "There are now in the charge of the Marshal of Georgia, 243 Africans taken out of a South American privateer, the "General Ramirez," *whose crew mutinied, and brought the vessel into St. Mary's, Georgia.*—Letter of Sec'y of Navy, 7th Feb'y, 1821. "A decision of the Supreme Court in the case of the 'General Ramirez,' placed under the control of the Government from 125 to 130 Africans, who were brought into Georgia, and arrangements are making *to send them to the Agency.*"—(Liberia.)—Report of Sec'y of Navy, Dec. 2d, 1825.

brick, 5,000 feet of assorted timber, 30 barrels of ship bread, eight of tar, four of pitch, four of rosin, and two of turpentine. * * * * * * * *

In the simple grant of power to an agent to *receive* recaptured negroes, it requires broad construction to find a grant of authority to colonize them, to build houses for them, to furnish them with farming utensils, to pay instructers to teach them, to purchase ships for their commerce, to build forts for their protection, to supply them with arms and munitions, and to employ the army and navy in their defence.*"

It cannot be denied that the friends of Colonization had great encouragement to proceed in their warfare against the slave trade. Accordingly Mr. Mercer, as the chairman of the committee to whom a memorial from the Society had been referred, reported (May 9th, 1820,) *a Bill incorporating the Society*, and another *making the slave trade piracy;* and likewise two resolutions,—the first requesting the President to negotiate with foreign powers, "*on the means of effecting an entire and immediate abolition of the slave trade;*" and another requesting him to make such use of the public armed vessels as may aid the *efforts of the Colonization Society.* The first resolution was adopted, and the consideration of the other postponed. A few days after, (May 15th,) the Act making the African slave trade piratical, was passed. But laws do not execute themselves: and if any slave trader has suffered death in the United States as a pirate, we confess our ignorance of the fact.†

It certainly required some little assurance in the House of Representatives, thus to order a negotiation with foreign powers, for the suppression of the trade, when the Federal Government had itself been so remiss in its efforts, that both Houses of the British Parliament had, the year *before*, (July

* Senate Documents. 2 Sess. 2 Cong.

† In 1820, a slave vessel, the Science, fitted out at New York, and commanded by Adolphe Lacoste of Charleston, South Carolina, was captured on the coast of Africa, by the United States Ship, Cyane, and Lacoste sent home for trial. The trial took place in the Circuit Court of the United States, before Judge Story. The evidence was full and unequivocal; Lacoste was convicted, and sentenced to five years' imprisonment, and to the payment of a fine of $3,000. Had the crime been committed a few months later, the penalty would have been death, under the new law, declaring the trade piracy. Lacoste received a *full* pardon from the President, and the reader may thence judge, whether had he been convicted as a pirate, his life would have been much in danger. The reasons assigned for the pardon, were youth, previous good character, and an aged mother.—*Niles's Register, April* 20, 1822.

1819,) addressed the Prince Regent, praying him to renew "his beneficent endeavors, more especially with the Governments of France and *the United States of America*, for the effectual attainment of an object we all profess to have in view:" and a negotiation had already been actually commenced with our Government, proposing to concede "to each other's ships of war, a qualified right of search, with a power of detaining the vessels of either State, *with slaves actually on board:*"* and a positive refusal to this proposal had already been returned. There is no evidence that our Government ever took a single measure in consequence of this resolution; and under all the circumstances of the case, it is not uncharitable to believe, that it was intended to save appearances.

We must now beg the reader's attention to a new act, in this farce of suppressing the slave trade.

In 1814, our government concluded a war with Great Britain, and in the treaty of peace, gave its assent to the following article. "Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object."

On the 29th January, 1823, Mr. Stratford Canning, the British Minister at Washington, addressed a letter to the Secretary of State, reminding him of this pledge, and calling on the American Government either to assent to the plan proposed by Great Britain, or to suggest some other efficient one in its place. After the reception of this letter, and before the return of an answer, the following resolution was passed (28th Feb.) by the House of Representatives, viz.

"Resolved, that the President of the United States be requested to enter upon and prosecute from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, *and its ultimate denunciation as piracy, under the laws of nations, by the consent of the civilized world.*"

The British Minister was then informed, in answer to his letter, that the *plan* proposed by the United States was a *mutual* stipulation to annex the penalty of piracy to the offence of participating in the trade, by the citizens and sub-

* Letter from Lord Castlereagh to Mr. Rush, June 20, 1818.

jects of the two parties. Mr. Canning replied, that "Great Britain desires no other, than that any of her subjects who so far defy the laws, and dishonor the character of their country as to engage in a trade of blood, proscribed not more by the act of the legislature, than by the national feeling, should be detected and brought to justice even by *foreign hands*, and from under the protection of her flag." He nevertheless urged a limited concession of the right of search, as the only *practical* cure of the evil; and he communicated the fact, that so late as January, 1822, it was stated officially by the Governor of Sierra Leone, "that the fine rivers of Nunez and Pongas were entirely under the control of renegade European, and *American* slave traders." He then proposed that a mutual right of search should be conceded, to be confined to a fixed number of cruisers on each side; to be restricted to certain parts of the ocean; and that to prevent abuses, these cruisers should act under regulations prepared by mutual consent; and moreover, that this concession should be made only for a short time, that if found inconvenient in practice, it might be discontinued.*

But the Republic stood on its dignity, and would not condescend to yield a concession which Great Britain, France, Spain, Portugal, the Netherlands, Denmark, Sweden, and Sardinia, have thought it no degradation to make in the cause of humanity.

But still the American Government was *very* anxious that every man of every nation, who engaged in the traffic of slaves on the coast of Africa, (not in the District of Columbia,) should be hung by the neck till he was dead; and forthwith, in obedience to the resolution of 28th February, despatches were forwarded to the Cabinets of France, Spain, Portugal, Russia, the Netherlands, Buenos Ayres, and Columbia, announcing the desire of the United States to declare the trade piracy, by the common consent of nations.

It is generally understood, that a pirate is an enemy to the human race, and may be put to death by any government in whose hands he may chance to fall. If this was not the purport of the proposition of the House of Representatives, that the trade should be denounced "as PIRACY under the laws of nations, by the *consent of the civilized world*," we may well ask, what did it mean?

On the 24th June, 1823, instructions were forwarded to

* Letter from Mr. Stratford Canning to the Secretary of State, 18th April, 1823.

our Minister in England, authorizing him to conclude a treaty with Great Britain on the subject of the slave trade, on certain conditions. "The *draft* of a convention," says the Secretary of State, "is herewith enclosed, which, IF the British Government should agree to treat upon this subject, on the basis of a *legislative* prohibition of the slave trade by both parties under the penalties of PIRACY, you are authorized to propose and conclude."

Now it should be remembered, that at this time the trade was not piratical by the British laws, and the English Ministry could not make it so by treaty. We therefore proposed a *condition* with which possibly, they might not have it in their power to comply. The ministry, however, when made acquainted with the condition, felt confident of the acquiescence of Parliament. "The British Plenipotentiaries," says Mr. Rush, in his letter to the Secretary of State, "gave their unhesitating consent to the principle of denouncing the traffic as piracy, *provided* we could arrive at a common mind on all the other parts of the plan proposed."

The treaty, nearly verbatim, with a draft sent from Washington, was signed at London on the 13th March, 1824; and a few days afterwards, according to a previous understanding, and in fulfilment of the *condition* exacted by us, Parliament passed an Act, declaring that all British subjects found guilty of slave trading, "shall suffer death without benefit of clergy, and loss of lands, goods, and chattels, as PIRATES, felons, and robbers upon the seas, ought to suffer."

This treaty provided in substance, that the cruisers of either party on the coast of Africa, *America*, and the West Indies, might seize slaves under the flag of the other, and send them *home* to the country to which they belonged, where they should be proceeded against as pirates. So that in fact, the whole concession made by us to Great Britain, amounted to no more than permitting her to arrest *our* pirates, and to deliver them to *our* courts for trial; and in return, she granted us precisely the same right with respect to her pirates.

The treaty was submitted of course to the Senate for ratification, which, under the circumstances of the case, one would think, must have followed as a matter of course. The Senate, however, thought otherwise. The treaty was laid before them on the 30th of April; but as they delayed to act upon it, the British Minister at Washington became uneasy, and on the 16th of May, addressed a letter to the Secretary of State, complaining of the postponement of the ratification, especially as the project of the convention had

originated with the United States; and as Great Britain "had not hesitated an instant to comply with the preliminary act desired by the President," the legislative prohibition of the slave trade under the penalties of piracy.

The President naturally feeling his own good faith compromitted by the hesitation of the Senate, now sent them a confidential message, urging the ratification of the treaty. He remarked that the rejection of the treaty would subject the Executive, Congress, and the Nation, "to the charge of *insincerity* respecting the great result of the final suppression of the slave trade. To invite all nations with the statute of piracy in our hands, to adopt its principles as the law of nations, and yet to deny to all the common rights of search for the pirate, whom it would be impossible to detect without entering and searching the vessel, would expose us not simply to the charge of inconsistency."

The Senate after long debates, finally ratified the treaty, in a mutilated form. They struck out the word, "America," in the clause authorizing the seizure of slavers on "the coasts of Africa, America, and the West Indies." They also expunged the articles applying the provisions of the treaty, to vessels *chartered*, as well as owned by the citizens or subjects of either party; and to the citizens or subjects of either party carrying on the trade under *foreign flags*; and they added an article authorizing either party to terminate the treaty at any time, on giving six months notice.

It will have been observed from the documents we have quoted, that the slaves imported into the United States, have been chiefly introduced through the Spanish possessions on our southern frontiers; slavers direct from Africa, rarely having the hardihood to enter our ports, and discharge their cargoes; while small vessels from the West Indies, have occasionally found their way into the southern waters. Of course the treaty as altered by the Senate, would afford but little interruption to this mode of stocking the plantations of Louisiana and the neighboring States.

As *chartered* vessels were excepted, our traders would only have to hire slavers instead of owning them, to be exempted from the hazard of being arrested and sent home for trial, by British officers; or even if on board their own vessels, by running up a *foreign flag*, they would escape the penalties of piracy.

The British Cabinet refused to agree to the treaty thus despoiled of all its efficiency; but with wonderful simplicity, they proposed to restrict the right of search on the coast of

America, to the coast of the *southern* States. This proposition was of course, promptly rejected by our Minister in England.

The British Government vainly cherishing the hope, that the United States might still consent to some combined effort to destroy a trade they professed to abhor, offered through their Minister at Washington, to consent to a treaty, word for word the same as the one the Senate had ratified, with the single exception of restoring the word, "America." To this, Mr. Clay, then Secretary of State, replied, that "from the views entertained by the Senate, it would seem unnecessary and inexpedient any longer to continue the negotiation respecting the slave convention, with any hope that it can assume a form satisfactory to both parties. That a similar convention had been formed with Columbia, on the 10th December, 1824, excepting that the *coast of America was excepted from its operation;* and yet, notwithstanding this conciliatory feature, the Senate *had by a large majority refused to ratify it.*"*

Negotiations have since been renewed on this subject; and France has united with Great Britain, in urging the Cabinet at Washington to co-operate with them in putting an end to the African slave trade. The correspondence has not been made public, but we learn from the Edinburgh Review, for July, 1836, that the final answer of the American Government is, that "*under no condition, in no form, and with no restriction, will the United States enter into any convention, or treaty, or combined efforts of any sort or kind with other nations, for the suppression of this trade.*"

To our readers we leave the task of making their own comments on this history of duplicity and hypocrisy; and proceed to other details.

On the 2nd November, 1825, the Columbian Minister at Washington, in the name of his Government, invited the United States to send delegates to a Congress of the South American Republics, to be held at Panama. In enumerating the topics to be discussed in the proposed Congress, he remarked; "The consideration of means to be adopted for the entire abolition of the African slave trade, is a subject sacred to humanity, and interesting to the policy of the American States. To effect it, their energetic, general, and uni-

* The documents quoted on this subject, may be found in State Papers, 1st Sess. 19 Cong. Vol. 1. And in Reports of Committees, 1st Sess. 21 Cong. Vol. 3. No. 348.

form co-operation is desirable. *At the proposition of the United States,* Columbia made a convention with them on this subject, which *has not been ratified by the Government of the United States.* Would that America, which does not think politic what is unjust, contribute in union, and with common consent, to the good of Africa!"

This document was submitted to the Senate, and on the 16th January, 1826, a committee of the Senate made a report in relation to it, in which they observe: "The United States have not certainly the right, and ought never to feel the inclination to dictate to others who may differ with them on this subject," (the slave trade,) "nor do the committee see the expediency of *insulting other States by ascending the moral chair,* and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself."

The remarks made on this occasion by Mr. White, a Senator from Tennessee, are worthy of observation. "In these new States (the S. American Republics,) some of them have put it down in their fundamental law, 'that whoever owns a slave shall cease to be a citizen.' Is it then fit that the United States should disturb the quiet of the *southern and western States* upon any subject connected with slavery? I think not. Can it be the desire of any prominent politician in the United States, to divide us into parties upon the subject of slavery? I hope not. Let us then cease to talk about slavery in this House; let us cease to negotiate upon any subject connected with it."

We have seen most abundantly, that slaveholders have no objection to talk about slavery in Congress, or to negotiate about it with foreign nations, when the object is to guard their beloved institution from danger. It is only on the abominations of the system, and the means of removing it, that every tongue must be mute, and the Federal Government passive. Turning from the consideration of our professions, as contrasted with our conduct in regard to the suppression of the African slave trade, let us next take a view of

The efforts of the Federal Government to prevent the abolition of slavery in the Island of Cuba.

At the time of the Congress of Panama, Spain was still at war with her late colonies, and of course they were authorized by every principle of national law, as well as of self-defence, to carry their arms into the dominions of their enemy. Cuba was at a short distance, devoted to the royal

cause, and affording a depot for the naval force ever ready to prey upon the commerce of the republics. Under these circumstances, Mexico and Columbia meditated the invasion and conquest of that island. But these republics, on achieving their own freedom, had given freedom to their slaves; and it was probable that they would manifest equal regard for human rights, were they to become masters of Cuba. These remarks will explain the following extract from the instructions given to the ministers appointed to represent the United States at the Congress of Panama.

"It is required by the frank and friendly relations which we most anxiously desire ever to cherish with the new republics that you should, without reserve, explicitly state that the United States have too much at stake, in the fortunes of Cuba, to allow them to see with indifference a war of invasion prosecuted in a desolating manner, or to see employed, in the purposes of such a war, one race of the inhabitants combatting against another, upon principles and with motives that must inevitably lead, if not to the extermination of one party or the other, to the most shocking excesses. The humanity of the United States in respect to the weaker, and which in such a terrible struggle would probably be the suffering portion, and the duty to defend themselves against the *contagion* of such near and dangerous examples, would constrain them, even at the hazard of losing the friendship of Mexico and Columbia, to employ all the means necessary to their security."*

The obvious meaning of all this, in plain English, divested of its diplomatic circumlocution, is simply that the Federal Government, in order to protect the slavery of the South from the shock it might receive from emancipation in Cuba, would, if necessary, go to war with our sister republics to prevent the invasion of that island.

But so long as Spain refused to acknowledge the independence of her revolted colonies, the war would be continued, Cuba would be exposed to invasion, and the slave States to the "contagion" of emancipation. Hence the cabinet at Washington became exceedingly anxious to act the part of peace-makers. Our Minister at St. Petersburg was instructed "to endeavor to engage the Russian Government to contribute its best exertions towards terminating the existing contest between Spain and her colonies. From the vi-

* Letters of Instructions from Mr. Clay, Secretary of State, to Messrs. Anderson and Sargeant, 8th May, 1826.

cinity of Cuba to the United States, its valuable commerce and *the nature of its population*, their government cannot be indifferent to any political change to which that island may be destined."*

Spain also was implored, through the American Minister at Madrid, to be reconciled to her undutiful children. "*It is not for the new republics*," said Mr. Clay, in his letter (27th April, 1825,) to Mr. Everett, "that the President wishes you to urge upon Spain the expediency of concluding the war. If the war should continue between Spain and the new republics, and those islands (Cuba and Porto Rico) should become the object and theatre of it, their fortunes have such a connexion with the people of the United States, that they could not be indifferent spectators; and the possible contingencies of a protracted war *might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline*." †

The proposed invasion was abandoned; but the fears of our Government were not allayed. The war continued, and some contingency arising from it, might give liberty to the tens of thousands in Cuba pining in bonds. A new attempt was made to induce Spain to remove the danger by concluding the war. On the 22d October, 1829, Mr. Van Buren then Secretary of State, instructed Mr. Van Ness, our Minister in Spain, to press upon that court a reconciliation with the South American republics. "Considerations," he remarked, "*connected with a certain class of our population, make it the interest of the southern section of the Union*, that no attempt should be made in that island to throw off the yoke of Spanish dependence; the first effect of which would be *the sudden emancipation of a numerous slave population, whose result could not but be very sensibly felt upon the adjacent shores of the United States*."

Fortunate it is for the cause of humanity, that the greatest republic upon earth had not the power to prevent "the sudden emancipation of a numerous slave population" in the British West Indies, on the 1st of August, 1838; "whose result," blessed be God, is and will be "very sensibly felt on the adjacent shores of the United States."

The subject of the Panama mission was debated at great length in both Houses of Congress, and frequent allusions

* Letters from Mr. Clay to Mr. Middleton, 10th May, 1825.

† Senate Documents, 1st Sess. 19 Cong. vol. 3.

were made by the speakers to Cuba. Let us hearken to the sentiments expressed by some of our republican legislators.

Mr. RANDOLPH of Virginia: "Cuba possesses an immense negro population. In case those States (Mexico and Columbia) should invade Cuba at all, it is unquestionable that this invasion will be made with this principle,—this genius of universal emancipation,—this sweeping anathema against the white population in front,—and then, sir, *what is the situation of the southern States?*"

Mr. JOHNSON of Louisiana: "We know that Columbia and Mexico have long contemplated the independence of that island (Cuba.) The final decision is now to be made, and the combination of forces and plan of attack to be formed. What, then, at such a crisis, becomes the duty of the Government? Send your ministers instantly to this diplomatic assembly, where the measure is maturing. Advise with them—remonstrate—MENACE, if necessary, against a step so dangerous to us, and perhaps fatal to them."

Mr. BERRIEN of Georgia: "The question to be determined is this: With a due regard to the safety of the southern States, can you suffer these islands (Cuba and Porto Rico) to pass into the hands of BUCANIERS, drunk with their new-born liberty? If our interests and our safety shall require us to say to these new republics, Cuba and Porto Rico *must* remain as they are, we are free to say it, and by the blessing of God and the *strength of our arms*, to enforce the declaration; and let me say to gentlemen, these high considerations do require it. The *vital* interests of the South demand it."

These new republics were stigmatized by this honorable gentleman as bucaniers; not that they were robbers, but because they had *ceased* to rob the poor and helpless; and the evidence of their being drunk with liberty, was their *practical* acknowledgement of the principles of human rights, *professed* in our declaration of independence.

Mr. FLOYD of Virginia: "So far as I can see, in all its bearings, it (the Panama Congress) looks to the conquest of Cuba and Porto Rico; or, at all events, of tearing them from the crown of Spain. The interests, if not safety of our own country, would rather require us to interpose to prevent such an event, and I would rather take up arms to prevent, than to accelerate such an occurrence."—*Congressional Debates, 2d vol.*

The facts and sentiments we have now exhibited, prove beyond cavil, that this mighty republic volunteered to solicit the aid of foreign monarchs to perpetuate slavery in Cuba,

and was strongly disposed to incur the hazard and calamities of war in the cause,—not of liberty, but of bondage.

Having noticed our watchful guardianship over Cuba, we will next advert to

THE HOSTILITY OF THE FEDERAL GOVERNMENT TO HAYTI.

To do justice to this part of our subject, we must beg the patience of our reader while we briefly lay before him a few historical facts.

The Island of St. Domingo was one of the most valuable colonies belonging to the crown of France. It is about 450 miles long, and 150 wide. Its population in 1790, was estimated as follows:

White inhabitants,	42,000
Free colored inhabitants,	44,000
Slaves,	600,000
Total,	686,000

Of the free colored inhabitants, numerically equal with the whites, many were men of education and property, landed proprietors, and the holders of slaves. Still they were debarred from all political privileges on account of their complexion. At the commencement of the French Revolution, the National Assembly abolished this discrimination on account of color, and gave the *free* blacks in the colonies, the same civil rights that were possessed by their white brethren. The pride of the latter led them to refuse submission to this humiliating decree of the mother country, and a *civil* war between the whites and the free blacks, ensued. No interference whatever with the rights of slaveholders as such, had at this time been attempted, either in France or the colony; and the dissensions which convulsed the island, for a long time related exclusively to the political condition of the free colored population. In August, 1791, a partial insurrection of the slaves occurred, favored by the quarrels of their masters. In some instances the free blacks united with the whites, in their efforts to suppress the insurrection, and in others, they availed themselves of the aid of the revolted slaves, against the planters.

In 1792, the French Government sent over three commissioners with 6000 troops, to enforce their decree respecting the free blacks, and to restore order. Many of the planters, however, still resisted; while others took sides with the Government, and the distractions of the island were now aggravated by a civil war between the *whites themselves*.

A portion of the planters, abhorring the attempt of the Government to elevate the free blacks to a political equality with themselves, now intrigued with Great Britain to seize upon the island, and thus to save them from the degrading consequences of republican principles. In compliance with their invitation, conveyed through their agent, M. Charmilly, an expedition was fitted out at Jamaica, for the capture of St. Domingo; and on the 19th Sept., 1793, arrived at Jeremie. Only a few days before the appearance of the British fleet on the coast, one of the French commissioners, who happened at the moment to be acting alone, in the absence of his colleagues, having received intelligence of the intended invasion, and knowing the disaffection of the planters, issued a hasty proclamation, giving freedom to all the slaves, as the only means of preserving the colony from conquest.*

The free negroes and the manumitted slaves united in defending the island against the invaders, while an army of 2000 of the white inhabitants, ranged themselves under the British standard. The French commissioners soon after returned to France; great numbers of the planters emigrated; and the island was virtually abandoned to the blacks, except so much of it as was occupied by the British troops. These troops were from time to time reinforced by detachments from Europe and the West Indies—but in vain. The blacks under Toussaint, who was appointed by the Government at home, "Governor General of the armies of St. Domingo," continued the contest for about five years, and finally succeeded in driving the English from the island. Britain being in the meantime at war with France, her naval forces prevented all intercourse between the colony and the mother country: and the blacks thus left to themselves, declared themselves independent on the 1st of July, 1798, and organized the Government of HAYTI.

The peace of Amiens afforded Bonaparte an opportunity to attempt the subjugation of the island, and the reduction of its inhabitants to slavery.

Early in January, 1802, a French army of 20,000 men were landed at St. Domingo, and various reinforcements afterwards followed.

The war was waged with atrocious cruelty on the part of the French, and the blacks, aided by the climate, succeeded in destroying about 40,000 of their enemies in eleven months;

* The ensuing year, 1794, by a decree of the National Assembly, slavery was formally abolished throughout *all* the French colonies.

and on the 19th of November, 1802, the wrecks of the invading army surrendered to Dessalines, the black chief. Since that time, Hayti has continued an independent nation, perfectly inoffensive in all its foreign relations; and its entire sovereignty is at present fully acknowledged by both France and England, and undisputed by any power on earth.

It is now important to inquire, what has been the conduct of the United States towards this heroic republic?

Twelve years after slavery had been abolished by a decree of the French Government; after the expulsion of the armies of England and France; when for three years not a hostile foot had pressed the soil of Hayti; when a regularly organized government was in full operation; and without one solitary cause of complaint against the new State, the American Congress passed an act, (28th Feb. 1806,) "to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo." These certain parts were defined in the act, to be such parts as were *not* "in the possession and under the acknowledgement of France;" and of course included the whole island. As there was at this time no war in *fact*, between Hayti and France, and the latter was prevented by the naval superiority of England, and her own continental wars, from sending a single soldier to Hayti; the sole object of this act, was to distress and harass the Haytians by depriving them of the breadstuffs and other necessaries they were accustomed to receive from this country. It was a piece of wanton cruelty, unrequired by the obligations of neutrality; and demanded by France in a tone of arrogance, which would have secured its rejection, had not the intended victims been *black*. Bonaparte, irritated by the loss of his army, and the defeat of his designs upon Hayti, resolved to starve, if possible, a people whom he could not conquer; and he found in the Federal Government, a willing instrument of his vengeance. His Minister at Washington, in a letter to the Secretary of State, demanded an immediate cessation of the commerce between the citizens of the United States and "the rebels of St. Domingo,—that race of African slaves, the reproach and the refuse of nature;" and he enforced his demand with the information;—"The Emperor and King, my master, expects from the dignity and candor of the Government of the Union, that an end be put to it promptly."* The letter was written in January; and in February the act required was passed, and continued in force for two years.

* American State papers. 5th vol. p. 154.

The invitation to the United States to send ministers to the Congress of Panama, has been already mentioned. In the document conveying the invitation, it was remarked: "On what basis the relations of Hayti, and other parts of our hemisphere that shall hereafter be in like circumstances, are to be placed, is a question simple at first view, but attended with serious difficulties when closely examined. These arise from the different manner of regarding Africans, and from their different rights in Hayti, the United States, and in the American States. This question will be determined at the Isthmus."*

The invitation was accepted, and the instructions of our ministers contained the following:—"Under the actual circumstances of Hayti, the President does not think that it would be proper at this time to recognize it as a new State."† This, be it remembered, was just a quarter of a century since the Haytians had declared and maintained their independence, and at a moment when they were enjoying the blessings and exercising the prerogatives of an independent State, and at peace with all the world. And what motive prompted the United States thus to exert its influence to prevent the Congress of Panama from recognizing Hayti "as a new State?" —none other than the apprehension that the admission of a palpable truth, the independence of a black Republic, would prove dangerous to the perpetuity of American slavery. Is this slander? Let the members of Congress speak for themselves. The following sentiments were elicited in the debate on the Panama mission.

Mr. BERRIEN of Georgia:—"Consistently with our own safety, can the people of the South *permit* the intercourse which would result from the establishing relations of any sort with Hayti? Is the emancipated slave, his hands *yet* reeking" (thirty-two years after slavery had been abolished by the French Government) "in the blood of his murdered master, to be admitted into their ports, to spread the doctrines of insurrection, and to strengthen and invigorate them, by exhibiting in his own person an example of successful revolt? Gentlemen must be sensible—this cannot be. The great principle of self-preservation will be arrayed against it. I have been educated in sentiments of habitual reverence for the Constitution of the United States: I have been taught to consider the union of these States as essential to their

* Senate Documents. 1st Sess. 19 Cong. vol. II. † Letter of Mr. Clay, Secretary of State, 8th May, 1826.

safety. The feeling is nowhere more universal or more strong than among the people of the South. But they have a *stronger* feeling—need I name it? Is there any one who hears and does not understand me? Let me implore gentlemen not to call that feeling into *action* by this disastrous policy." In plain English, the slaveholders love slavery more than they do the Union, and would sacrifice the last, rather than acknowledge as free, a people who had once been slaves.

Mr. BENTON of Missouri:—"The peace of eleven States in this Union will not permit the fruits of a successful negro insurrection to be exhibited among them;—it will not permit the fact to be seen and told, that for the murder of their masters and mistresses they are to find friends among the white people of the United States."

Mr. HAMILTON of South Carolina:—"It is proper that on this occasion I should speak with candor and without reserve: that I should avow what I believe to be the sentiments of the southern people on this question, and this is that *Haytian independence is not to be tolerated in any form.* * * * * A people will not stop to discuss the nice metaphysics of a *federative* system, when havoc and destruction menace them in their doors."

Mr. HAYNE of South Carolina:—"With nothing connected with slavery can we consent to treat with other nations; and least of all ought we to touch the question of the independence of Hayti in conjunction with the Revolutionary Governments whose own *history* affords an example scarcely less fatal to *our* repose. These governments have proclaimed principles of liberty and equality, and have marched to victory under the banner of universal emancipation. You find men of color at the head of their armies, in the Legislative halls, and in the Executive departments. * * * * Our policy with regard to Hayti is plain; we NEVER can acknowledge her independence. * * * * Let our Government direct all our Ministers in South America and Mexico, to PROTEST against the independence of Hayti."

Gentlemen when they talk in a passion, rarely talk wisely or consistently. Mr. Hayne insists that we cannot *touch* the question of the independence of Hayti in conjunction with the American Revolutionary Governments; and yet in the next breath, he is for opening negotiations with *all* these governments on this very subject. Almost every slaveholder assures us that the slaves, if emancipated, could not take care of themselves; and yet Mr. Hayne proclaims the im-

portant fact, that the armies of these same governments have "marched to victory" with colored men at their head; and that colored men are found in their Legislative halls, and Executive departments!

Mr. JOHNSON of Louisiana:—"It may be proper to express to the South American States the unalterable opinion entertained here in regard to intercourse with them. The unadvised recognition of that Island, (Hayti) and the public reception of their Ministers, will nearly sever our diplomatic intercourse, and bring about a separation and alienation injurious to both. I deem it of the highest concern to the political connection of these countries, to *remonstrate* against a measure so justly offensive to us, and to make that remonstrance EFFECTUAL."—*Congressional Debates*, Vol. II.

Thus the gentleman from Louisiana looked upon the recognition of Hayti by other and independent States, as a measure so offensive to us, as to afford us ground for quarrelling with them.

We will now advance twelve years in our history, and see if the lapse of time has softened the hatred of our rulers to Hayti. On the 17th December, 1838, a petition was presented to the House of Representatives, praying for the establishment of the usual international relations with that republic. No sooner was the purport of the petition announced, than vehement objections were made to it, and no less than thirty-two members had the hardihood to vote against even its reception. They were, however, in the minority; and on a motion being made to refer it to the Committee on Foreign Relations, the Chairman of that committee, himself a slaveholder, advocated the reference, as the best way of stifling the discussion, observing that "several similar memorials had been sent there the last session, which had never been reported on. This would take a similar course; *it would never be heard of again.*" With this intimation, the petition was referred. A motion was then made to instruct the committee to report on the petition; but, to stop the discussion, the previous question was moved, and the motion denied by a great majority. A few extracts from the speeches delivered on this occasion may be useful, as showing the temper and logic displayed by the southern members.

Mr. LEGARE of South Carolina: "It (the petition) originates in a design to revolutionize the South and convulse the Union, and ought therefore to be rejected with reprobation. As sure as you live, sir, if this course is permitted to go on,

the sun of this Union will go down—it will go down in BLOOD—and go down to rise no more. I will vote unhesitatingly against nefarious designs like these. They are treason,—yes sir, I pronounce the authors of such things traitors—traitors not to their country only, but to the WHOLE HUMAN RACE."

Mr. WISE of Virginia: "We are called to recognize the insurrectionists who rose on their French masters. A large portion of those now in power in this black republic, are slaves who cut their master's throats. Christophe himself was an insurrectionist and a revolutionist. Their Government has the stamp of such an origin. And will any gentleman tell me now, that slaves, aided by an English army, (and it is consolatory to think, when we are threatened by abolitionists with having our throats cut at the South, that these slaves in St. Domingo, though ten to one in number, never could have succeeded in insurrection but for the aid of the British army,) ought to be recognized by this Government, and that their being such is no argument against it? No, it is the abolition spirit alone which would have us say to these men, whose hands are yet red with their masters' blood: 'You shall be recognized as freemen; we wish to establish international relations with you.' Never will I—never will my constituents be forced into this. This is the only body of men who have emancipated themselves by butchering their masters. They have long been free, I admit; yet, if they had been free for *centuries*,—if Time himself should confront me, and shake his hoary locks at my opposition,—I should say to him, I owe more to my constituents—to the quiet of my people—than I owe or can owe to mouldy prescriptions, however ancient."

The consolation enjoyed by this gentleman, from the conviction that the Haytians are indebted to a British army for their liberty, is not a little ludicrous. There has never been but one British army in Hayti, and that was sent for the purpose, not of emancipation, but of conquest; and instead of aiding the blacks, it was joined by two thousand of the planters, who looked to it as the means by which they were to recover their authority over their former slaves. Yet this army, thus aided, found itself vanquished by the despised blacks; and in May, 1798, under Brigadier General Maitland, capitulated to Toussaint, the black General. The history of St. Domingo affords much and valuable instruction to slaveholders, but certainly very little *consolation*.

It may not be uninteresting to state a few facts relative to,

the present condition of a republic which so powerfully excites the apprehensions of southern gentlemen, and to the magnitude of the commerce which our northern politicians are willing to sacrifice for southern votes.

The advocates of slavery are fond of representing the Haytians as a horde of barbarians. We therefore give the following evidence, published by the British Parliament, and taken before one of its committees.

Evidence of Vice Admiral, the Hon. Charles Fleming, Member of Parliament:—"He could not speak positively of the increase of the Haytian population since 1804, but believed it had *trebled* since that time.* They now feed themselves, and they *export* provisions which neither the French nor the Spaniards had ever done before. He saw a sugar estate near Cape Haytian, General Boulon's, extremely well cultivated and in beautiful order. A new plantation was forming on the opposite side of the road. Their victuals were very superior to those in Jamaica, consisting chiefly of meat—cattle being very cheap. He saw no marks of destitution any where. The country seemed improving, and trade increasing. The estate he visited near the Cape was large; it was calculated to make 300 hogsheads of sugar. It was as beautifully laid out and as well managed as any estate he had seen in the West Indies. His official correspondence as Admiral, with the Haytian Government, made him attribute much efficiency to it, and it bore strong marks of civilization. There was a better police in Hayti than in the new South American States; the communication was more rapid; the roads much better. One had been cut from Port-au-Prince to Cape Haytian that would do honor to any country. A regular port was established. The government is one quite worthy of a civilized people."

In 1831, the imports into France from Hayti exceeded in value the imports from Sweden, Denmark, the Hanseatic Towns, Holland, Austria, Portugal, the French West Indies, or China.—*McCulloch's Dictionary of Commerce*, p. 637.

In 1833, the imports from Hayti into the United States exceeded in value our imports from Prussia, Sweden and Norway, Denmark and the Danish West Indies, Ireland and Scotland, Holland, Belgium, Dutch West Indies, British West Indies, Spain, Portugal, all Italy, Turkey and the Levant, or any one of the South American republics. And

* By the census of 1824, the population was stated at 935,000. It is unquestionably upwards of a million at the present time.

what protection is afforded to this commerce by the Federal Government—a Government willing to negotiate in every court of Europe for compensation for shipwrecked or fugitive negroes? "Our trade with Hayti is embarrassed; it is subjected to severe discriminating duties. We are probably the least favored of any people in the ports of the republic. Tonnage duties and vexatious port charges discourage and oppress our commerce there. I am assured that, but for these impediments, the trade from this country with that would be greatly extended. The acknowledged cause of all the embarrassments to that trade is found in the fact, that our Government refuses to recognize the Government of Hayti.—We stand aloof, as if they were a lawless tribe of savages. While all other powers have long since acknowledged them as an independent Sovereignty, we refuse to recognize them. Others profit by their commerce at our expense. We have no representative at the island of any grade, nor have they a public officer accredited here. No commercial relation, therefore, exists between the two Governments."—*Speech of Mr. Grennell, in H. of R., 18th December*, 1838.

If the treatment which Hayti has received from the United States, evinces the hatred of our republic to emancipation, we have a proof no less strong of its attachment to slavery, in

The conduct of the Federal Government towards Texas.

In 1829, the Republic of Mexico having achieved her own independence, gave liberty to every slave within her limits. This State had a vast and fertile, but thinly peopled territory, adjacent to Louisiana. In this territory within a few years past, a large number of adventurers from the United States, had taken up their residence with the consent, and under the jurisdiction of Mexico. These adventurers sighed for the sweets of slavery, which they had enjoyed in their native land; and as the soil was adapted to the cotton cultivation, they became restless under the requirement of the Government, either to till it themselves, or honestly to pay those who tilled it for them. Hence, they conceived the idea of transferring their allegiance from Mexico, to another republic less tenacious of human rights. Nor was a large portion of that other republic less anxious to acquire a new market for slaves, and a new territory which would give to the slaveholding interest a preponderance in the national councils. Judge Upshur in 1829, remarked in the Virginia Convention: "If Texas should be obtained, which he strong-

ly desired, it would raise the price of slaves, and be a great advantage to the slaveholders in that State;" and in 1832, Mr. Gholston declared in the Virginia Legislature, that "he believed the acquisition of Texas would raise the price of slaves fifty per cent. at least." Virginia, it will be recollected, is a *breeding* State, and therefore interested in the opening of a new market. The planting States have no wish to raise the *price* of slaves, but are deeply concerned for the perpetuity of the system. One of their distinguished politicians published a series of essays on the policy of annexing Texas to the United States; a territory, which he contended, was large enough to be divided into *nine* slave States, which would counterbalance the increasing number of free States at the North.

The Federal Government ever ready to promote the slaveholding interest, commenced a negotiation for the purchase of Texas, and offered *four millions of dollars* for the territory.* The offer was promptly rejected, and other means were resorted to.

Texan land companies were formed at the North, for the sale of extensive tracts of land, said to have been obtained by grants, from the Mexican Government. Capitalists, politicians, and demagogues participated in these splendid schemes of speculation, and became vociferous in the cause of Texan liberty. At the same time, crowds of emigrants repaired to the territory, many carrying their slaves with them. At last, these men feeling themselves strong enough, raised the standard of rebellion in September, 1835, and on the 2d of succeeding March, issued their declaration of indepe[illegible]. The Mexicans of course, endeavored to quell the insurrection; but, although nominally fighting with their own subjects, they were in fact contending against *an invasion from the United States.* The truth of this assertion will scarcely be questioned: yet it may be well to support it by a few facts. The following extracts from the journals of the day, will, it is presumed, be sufficient.

"*Who will go to Texas?*—Major J. W. Harvey of Lincolnton, has been authorized by me, with the consent of Major-General Hunt, an agent in the western counties of North Carolina, to receive and enrol volunteer emigrants to Texas; and will conduct such as may wish to emigrate to

* See instructions from Mr. Van Buren, Secretary of State, to Mr. Poinsett, Minister to Mexico, August 25, 1829.

that Republic, about the 1st of October next, at the expense of the Republic of Texas. J. P. HENDERSON,

Brig. Gen. of the Texan Army."

North Carolina Paper.

"*Three hundred Men for Texas.*—Gen. Dunlap of Tennessee, is about to proceed to Texas, with the above number of men. The whole corps are now at Memphis. Every man is completely armed, the corps having been originally raised for the Florida war. This force we have no doubt, will be able to carry every thing before it."—*Vicksburg (Miss.) Register.*

"Since early last winter, a series of transactions have passed before us in open day, the undisguised object of which has been to enlist troops, and procure arms to aid the Texans in their war with Mexico. Troops have been enlisted—arms have been obtained. Their military parades have been exhibited in our streets—they have embarked at our wharf—have proceeded to Texas—united themselves with her troops, and joined with them in war against Mexico. Is it not a fact that every stand of public arms deposited at this place by the State, have been sent to Texas, with the connivance of those who had charge of them?"—*Cincinnati Gaz.*

Meetings were held in various places, and speeches made, and resolutions passed in favor of the Texan *patriots.*

At a meeting in Cincinnati, of the friends of Texas, it was resolved: "That no law either human or divine, except such as are formed by tyrants for their sole benefit, forbids our assisting the Texans; and such law, if any exists, we do not as Americans choose to obey."

The Federal Government far from taking any efficient measures to arrest this invasion of a friendly and neighboring State, sent an imposing force under Gen. Gaines, *into the Mexican territory*, under the pretence of protecting the frontiers! With what result is shown by the following article.

From the Pensacola Gazette.

"About the middle of last month, Gen. Gaines sent an officer of the United States army into Texas, to reclaim some deserters. He found them already enlisted in the Texan service to the number of *two hundred.* They still wore the uniform of our army, but refused of course to return. The commander of the Texan army was applied to, to enforce their return, but his only reply was, that the soldiers might go, but that he had no authority to send them back. This is a new view of our *Texan relations.*"

The adventurers in Texas had no sooner set up themselves, than they adopted a constitution, in which they aimed,—first, to secure themselves and their children for ever, the blessings of slavery; and secondly, to acquire the aid and protection of the United States. The first object was to be attained by a constitutional prohibition of both private and legislative emancipation; and by making it a fundamental law of the Republic, that no free black or mulatto person should reside within its boundaries; and the second object, by giving to the United States in perpetuity, a monopoly of the slave market in Texas,—the importation of slaves from any other country, being absolutely prohibited, thus promising to realize the golden visions of the Virginia breeders.

A feverish impatience now pervaded the southern States for the acknowledgement of Texan independence;—an impatience in which the northern speculators fully participated. Acknowledgement it was seen, must precede annexation, since the latter could only be effected by a treaty with Texas as an independent power. Still policy required that this measure should be cautiously managed, lest the North should become alarmed at this scheme for vesting the whole political power of the Union in the hands of the slaveholders, and the northern members of Congress be found for once refractory.

Congress met in December, 1836, and on the 22d of the same month, President Jackson sent them a special message in relation to Texas. He remarked: "Prudence seems to dictate that we should still stand aloof, and maintain our present attitude, if not till Mexico, or one of the great foreign powers shall recognize the independence of the new Government, at least until *the lapse of time, or the course of events shall have proved beyond all cavil or dispute, the ability of that country to maintain their separate sovereignty, and to uphold the Government constituted by them.*"

This message dissipated all apprehensions on the part of the friends of freedom, of a speedy acknowledgement, and relieved Congress from the remonstrances and petitions with which their tables would otherwise have been loaded.

It was obvious, however, that if we could contrive to become embroiled in a war with Mexico, we might then seize upon Texas, and hold it by right of conquest, without any violation of our neutral obligations: and that by this process, the annexation might be effected with even more facility than by a compact with Texas as an independent power.

Accordingly about two weeks after the late message, the President sent another to Congress on our grievances against Mexico—grievances about which the people at large knew and cared nothing. This message recommended the passage of a law authorizing the President to employ a naval force against Mexico if she refused "to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made *from on board one of our vessels of war on the coast of Mexico.*" This proposition was coldly received, neither Congress nor the nation seeming to approve of such a novel and summary way of declaring war; and no one having the slightest desire for war, except those who were anxious for the annexation. It being found that a war could not be had, another game was played. The session was to close on the 3d March. The strongest opposition to Texas was to be apprehended in the Lower House. Four days before the termination of the session, a motion was there made to add a clause to the appropriation bill, making provision for the salary of a diplomatic agent to Texas. There was no time for long speeches, and the motion was adopted with the amendment "to be sent by the President whenever he shall receive satisfactory evidence that Texas is an independent power, and shall see fit to open a diplomatic intercourse with her." The late message proved that the President had not yet received "the satisfactory evidence," and anticipated it only from the action of the great *foreign* powers, or "the lapse of time." Little hesitation therefore was felt in leaving the subject under the control of the Executive. The House of Representatives, in which there was a majority of northern members, having been thus managed, and a salary secured for a Minister to Texas; the veil was thrown aside in the Senate, and two days before the end of the session, it was "Resolved, that the State of Texas, having established and maintained an independent government, capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful termination of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations and the precedents of this Government in like cases, that the independent political existence of said State, be acknowledged by the Government of the United States."

As the whole tenor of this resolution was in direct opposition to the message of the 22d December, and as nothing

had occurred since that date to weaken the positions assumed in the message, one of the Senators in opposing the resolution, very naturally alluded to the views entertained by the President. On this, Mr. Walker, a Senator from Mississippi, rose in his place and declared, that "*he had it from the President's own lips, that if he were a Senator, he would vote for this resolution ! !*"

At eleven o'clock of the night of the 3d March, an hour before his term of office expired, and just as the Senate was about adjourning, the President sent them the nomination of a Minister to Texas.

The conduct of the Federal Government towards Texas and Hayti, places in a strong light the influence of slavery on our national councils. The latter State has been independent both in name and in fact for thirty-seven years, yet we still refuse to recognize her. Twelve months after Texas declared her independence, she was received by us into the family of nations, and honored by an interchange of diplomatic agents. For thirty-five years, the soil of Hayti has not been trodden by an invader; only *ten* months before the acknowledgement of Texas, a Mexican army was carrying terror and destruction through its territory. That army had indeed been defeated, but another was preparing to renew the contest. Hayti had long been at peace with all the world. Mexico claimed Texas as its own, and solemly avowed its determination to chastise and suppress the revolt. Hayti achieved her independence after a long and arduous struggle with powerful armies, and has a population of a million to maintain it. Texas, when acknowledged, could appeal only to the fortunate result of a single battle as evidence of her national power, while she had no more than 60,000 inhabitants to contend against the eight millions of Mexico. With Hayti, we had a large and valuable commerce, while our commerce with Texas was only in expectancy. Yet has slavery estranged our Government from the one nation, and led it to welcome to its embrace another, incomparably inferior in political strength and moral worth.

The indecent haste with which Texas was acknowledged, and the trickery by which the acknowledgement was effected, were prompted by the desire of annexation. A southern journal speaks thus frankly on the subject. "Does any sober observer contend—can he in the face of facts, that Texas has substantially, according to the usages of nations, accomplished her independence? Was there not an even chance, to put the matter on the most favorable footing, that the

victory of Jacinto might this campaign be revers[illegible] But natural *feeling* has outstripped the prudence of ou[illegible] ment, usually discreet and judicious, *and social sy*[illegible] done what political precedent, and possibly expedien[illegible] ght not have sanctioned. The debate in the British Parliament shows how well *State papers* and official ceremonies" (viz. the President's message,) "may delude, or seem to delude foreign governments. While Lord Palmerston and O'Connell were defending our Government from any improper haste in acknowledging the independence of Texas, the deed is consummated!"—*The Port Gibson (Miss.) Southerner.*

The whole slave region, with scarcely an exception, demanded a union with the new State. "The very reasons," said the Charleston Mercury, "so intemperately urged by the North against it, that it will increase the political weight of the southern States, and perpetuate and extend the curse of slavery, *are our best reasons for it.*"

The Legislatures of South Carolina, Mississippi, and Tennessee, all passed resolutions in favor of the annexation. Many individuals at the North had likewise a deep pecuniary interest in the question. They had speculated largely in Texas lands, but their title would be of but little value, so long as they depended on the faith of the lawless adventurers who possessed the country. Could that country be received into the Union, and subjected to the acts of Congress and the jurisdiction of the Supreme Court, their purchases might ensure to themselves or their families, princely estates. A writer in the Salem Gazette, (Mass.) probably a speculator, in vindicating the annexation, thus appealed to the avarice of New-England. "It is calculated that the value of one kind of property in the South, slaves, will be enhanced so much, that that portion of our country will realize one or two hundred millions of dollars; and the South cannot be enriched without benefiting the North—*the money will naturally come here at last.*"

The people of Texas were no less desirous of annexation than southern slaveholders, or northern speculators. The plan of union was avowed from almost the very commencement of the rebellion. In August, 1836, S. F. Austin, in an address offering himself as a candidate for the Presidency, told the people:—"I am in favor of the annexation, and will do all in my power to effect it with the least possible delay." W. H. Jack, a candidate for the legislature, declared: "I am decidedly and unequivocally in favor of annexing Texas to the United States." Gen. Houston, the Commander-in-

chief, intimated that "the annexation was essential to the interests of the new country." The Texan Congress resolved, "that the President of the Republic of Texas be empowered and authorized to despatch a commissioner or commissioners to the United States of America, to obtain a negotiation of our independence, and enter into a treaty with that Government for a union on a footing with the original States." The first condition prescribed for this proposed union, was, "THE FREE AND UNMOLESTED AUTHORITY OVER THEIR SLAVE POPULATION!"

On the 4th August, 1837, the negotiation was opened by the Texan Minister at Washington, by a proposition "to unite the two people under one and the same government." The acceptance of this proposition would of course have been equivalent to a declaration of war against Mexico; a responsibility which Mr. Van Buren did not see fit to assume, especially in the recess of Congress. He declined entering into the negotiation, on the grounds that the United States were, at present, at peace with Mexico, and that that power had not acknowledged the independence of Texas. As this answer merely *postponed* the annexation on account of an obstacle easily removed, it was entirely satisfactory to the South, and the more so as the President's message to Congress on the 4th of the ensuing December, wore a very belligerent aspect towards Mexico.

This formal attempt at annexation roused the fears of the North, and innumerable remonstrances against the measure were presented to Congress. In the meantime Mexico, by proposing a submission of her differences with the United States to arbitration, removed all pretence for immediate war. Under these circumstances, the southern delegation in Congress thought it most prudent not to press the annexation. The Texans, moreover, finding themselves unmolested by Mexico, who had become involved in war with France; and observing the strong hostility manifested towards the measure in the United State, formally withdrew her application for admission into the Union. It is folly, however, to suppose that the project of annexation is abandoned either by the South, or by Texas; nor does it need the gift of prophesy to foresee that the first favorable opportunity of making war upon Mexico, will be readily embraced by the Federal Government. Should such a war be effected, the dominion of the WHIP may, perhaps, be extended from Maryland to Panama.

It may not be amiss here to compare the conduct of the

Federal Government towards the Texan and the Canadian rebels. The first were slaveholders re-establishing slavery on a soil from which it had been banished; and they enjoyed from the first the sympathy of our government, who took care to interpose no real obstacle to an invasion on their behalf from the United States; while for the purpose of aiding them it labored to excite an immediate war with Mexico. The Canadian rebels were professedly fighting for liberty, and should they succeed, there was no probability that negro slavery would crown their triumph. They, like the Texans, looked to us for aid; but the President, *now* alive to the obligations of neutrality, and finding the existing laws insufficient to enforce them, applied to Congress and received additional powers. Troops were sent to the frontiers, not to swell by desertion the ranks of the rebels, but in good faith, forcibly to prevent American citizens from abetting the revolt. A war with Mexico was desired by the slaveholders, and the President was for *negotiating on board an armed vessel.* A war with Great Britain, emphatically an anti-slavery nation, is now viewed with horror and dismay by the whole South,* and the Executive has sedulously endeavored to avoid it.

We have now presented numerous instances of the action of the Federal Government in behalf of slavery; but our task is not completed. We are still to view that Government, which, in the language of the Constitution, was established "to secure the blessings of liberty to ourselves and our posterity;" assailing the constitutional rights of the citizen, in order to rivet the fetters of the slave; striving to extinguish the freedom of the press, the freedom of debate, and the right of petition, to perpetuate property in human flesh. These, we are sensible, are strong assertions; we solicit attention to the facts on which they are founded, and first to

The attempt of the Federal Government to establish a censorship of the press.

In the summer of 1835, the Anti-slavery Society in New-York, directed their publisher to forward a number of their periodical papers, containing facts and disquisitions on the subject of slavery, to various southern gentlemen of distinction, in the hope of exciting by this means, a spirit of inquiry

* A distinguished southern Senator, speaking of the importance of preserving our neutrality on the Canada frontier, declared that in his opinion "a war with England would be the heaviest calamity that could befall the country."

among persons of influence and character. But it was precisely such a spirit of inquiry, that the advocates of perpetual bondage feared might be fatal to their favorite institution. Hence they affected to believe that the papers sent to the *masters*, were intended to excite the slaves to insurrection, and they succeeded in maddening the populace to fury. A mob broke into the Charleston Post-Office, and seizing a quantity of anti-slavery papers, burned them in the street. This outrage was virtually approved by the City Council; and at a public meeting, a committee of "gentlemen" was appointed to take charge of the northern mail on its arrival, accompany it to the Post-Office, and see that no paper advocating the rights of man, should be delivered to their owners. The Post-Master informed the head of the department, that under existing circumstances, he had determined to suppress all anti-slavery publications, and asked for instructions for the future. It should here be recollected that of all the political advisers of the President, Mr. Kendall, at this time acting as Post-Master General, was the most odious to the opposite party. He had been appointed during the recess of the Senate, and it was regarded as a matter of course, that on the meeting of that body, in which the opposition had a majority, his nomination would be rejected. The constitution forbade a censorship of the press, and had the people been disposed to delegate so formidable a power, they certainly would not have vested it in the 10,000 deputies of the Post-Master General. The law moreover expressly required every Post-Master to deliver the papers received by him to the persons to whom they were directed.

Such were the circumstances under which Mr. Kendall returned his famous answer. After stating that not having seen the papers in question, he could not judge of their character, but had been *informed* that they were incendiary, inflammatory, and insurrectionary, he added: "By no act or direction of mine, official or private, could I be induced to aid knowingly in giving circulation to papers of this description, directly or indirectly. We owe an obligation to the laws, but a higher one to the communities in which we live; and if the former be perverted to destroy the latter, *it is patriotism to disregard them.* Entertaining these views, I cannot sanction and will not condemn the step you have taken." This letter taught the Senate that the new officer was willing to conduct the Post-Office in a manner calculated to protect the "domestic institution" from the assaults of truth and argument, and his nomination was confirmed. Mr. Kendall

was at the date of his letter, a member of the Cabinet, and it was understood that the novel, extraordinary, and dangerous doctrine of that letter received the sanction of the President.

On the opening of Congress, President Jackson in his message, recommended the "passing of such a law as will prohibit under severe penalties, the *circulation* in the southern States through the mails, of incendiary publications *intended* to instigate the slaves to insurrection." The proposed law it seems, was not to prohibit the printing of certain papers, nor their committal to the mails in the northern States, but only their *circulation* in the slave region. Of course certain persons, Post-Masters we presume, were to be required under "heavy penalties," to stop these papers; and they were necessarily to be judges of the character of the papers, and of the intentions of their writers. From what code of despotism did our very democratic President derive his plan for destroying the efficiency of the PRESS? By a contemptible quibble, this plan was to evade the constitutional guarantee of the freedom of the press. It was not to interfere with the press—not at all—it was merely to prevent the circulation of its productions! The press was still to be free to pour forth its arguments against slavery, only "heavy penalties" were to prevent the people from reading them! The reason moreover assigned for this high-handed act of tyranny, was a most willful calumny. It was to prevent the circulation in the southern States of publications *intended* to excite the slaves to insurrection. Such a proposal from the first magistrate of the country to Congress, and following the affair at Charleston, and Mr. Kendall's letter, irresistibly fixes upon the members of the American Anti-slavery Society at New-York, the charge of sending papers into southern States for the purpose and with the desire of effecting the massacre of their fellow-citizens. If the President really believed that such was the object of the New-York abolitionists, and such the character of their publications, and if he thought it his official duty to bring the subject before Congress, he owed it to himself, to the country, to truth and to justice, to have submitted to Congress the *facts and documents*, on which he founded his proposed invasion of the constitutional rights of his fellow-citizens. But he cautiously avoided specifying a single fact, or quoting a single sentence in support of his tremendous accusation, or in justification of his most unwarrantable proposition; and when written to by the acting committee of the New-York

Society for proof of his charge against them, he deemed it most prudent not to return an answer! Surely the burden of proof rests upon him, who in a solemn official address to the Legislature, holds up a portion of his fellow-citizens as miscreants engaged in plotting murder and insurrection; and urges the enaction of a law to counteract their execrable machinations.

It is often difficult to prove a negative; but in this instance, the falsehood of the President's charge is amply demonstrated by an official document from the slaveholders themselves. We give this document, not to exculpate the members of the New-York Society from a calumny which their own characters abundantly refute, but to show in a strong light the unprincipled means to which the Federal Government is capable of resorting to uphold the "peculiar institution" of the South.

A grand jury in Alabama, conceived the bright idea, that the publication of tracts at the North against slavery might be arrested, by indicting the publishers as felons, and then demanding them from the Governors of their respective States as *fugitives* from southern justice It was necessary, however, to specify in the indictment, the precise crime of which they had been guilty; a necessity which the President regarded as not applicable to his message. We may well suppose therefore, that the grand jury would endeavor to secure the success of this, their first experiment, by selecting from the various publications alluded to by the President and Mr. Kendall, as sent to the South for the purpose of exciting insurrection, the most insurrectionary, cut-throat passages, they could find. Behold the result.

"State of Alabama, } Circuit Court, September
Tuscaloosa county. } Term, 1835.

"The grand jurors, * * * * upon their oath present, that Robert G. Williams, *late of said county*, being a wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to the laws and government of said State, and feloniously, wickedly, maliciously, and seditiously contriving, devising, and intending to produce *conspiracy, insurrection, and rebellion* among the slave population of said State, and to alienate and withdraw the affection, fidelity, and allegiance, of said slaves from their masters and owners, on the tenth day of September, in the year of our Lord one thousand eight hundred and thirty-five, at the county aforesaid, feloniously, wickedly, maliciously, and seditiously did cause to be

distributed, circulated, and published, a seditious paper, called 'THE EMANCIPATOR,' in which paper is published according to the tenor and effect following, that is to say: '*God commands, and all nature cries out, that* MAN *should not be held as property. The system of making* MEN *property, has plunged* 2,250,000 *of our fellow-countrymen into the deepest physical and moral degradation, and they are every moment sinking deeper.*' In open violation of the Act of the General Assembly in such case made and provided, to the evil and pernicious example of all others in like case offending, and against the peace and dignity of the State of Alabama."*

In the Senate, the recommendation of the President was referred to a committee, who reported a bill prohibiting Post-Masters from delivering "any pamphlet, newspaper, handbill, or other printed paper, or pictorial representation, *touching the subject of slavery* in any State, in which their circulation is prohibited by law." The object of this bill was by means of federal legislation, to build around the slave States a rampart against the assaults of light and truth. Its absurdity was equalled only by its wickedness. Not a newspaper containing a debate in Congress, a report from a committee, a message from the President, a letter from the West Indies, "touching the subject of slavery," could be legally delivered from a southern Post-Office; and thousands of Post-Masters were to be employed in opening envelopes, and poring over their contents, to catch a reference to the "domestic institution."

By this bill, the Federal Government virtually surrendered to the States, the freedom of the press, and nullified the guarantee of this inestimable privilege, given by our fathers in the Constitution to every citizen. This bill, moreover, prepared the way for the destruction of civil and religious liberty. If every paper touching the subject of slavery might be suppressed, then the same fate might just as constitutionally be awarded to every paper *touching* the conduct of the administration, or the doctrine of the Trinity. It established a censorship of the press on one subject, which might afterwards be extended to others. Yet this bill, absurd and unconstitutional as it was, went through its regular stages with little opposition, till the important question was taken on its engrossment;—the vote stood 18 to 18. The

* Another count was added for distributing "The Emancipator," but without giving any extracts. It is scarcely necessary to add, that Williams had never been in Alabama. Yet on this indictment, he was demanded of the New-York Executive as a fugitive felon, by the Governor of Alabama.

casting vote was now required from Mr. Van Buren, who, as Vice President, occupied the chair. He gave it for the slaveholders, and received from them at the ensuing election, sixty-one electoral votes, by means of which, he became President of the United States.* On the final question, the bill was rejected, and this attempt to trammel the press for the protection of slavery, defeated. A very different result however, has attended

The effort of the Federal Government to nullify the right of petition and the freedom of debate.

For thirty years past, petitions have been presented to Congress for the abolition of slavery in the District of Columbia, and the national territories; and until latterly, were received and treated like other petitions. But having within a few years prodigiously increased in number, and some northern members having shown a disposition to advocate their prayer, a most extraordinary course has been pursued in relation to them. The reason of this course is explained by the following passage from a speech by Mr. Strange, a Senator from North Carolina. "Every agitation of this subject (slavery,) weakens the moral force in our favor; and breaks down the moral barriers which now serve to protect and secure us. *We have every thing to lose, and nothing to gain by agitation and discussion.*"

The frankness of this confession is as remarkable as its truth is unquestionable; and it shows us why the advocates of slavery instead of meeting their opponents in argument, have sought to silence them by brute force, and penal enactments.

One of the most unequivocal and undoubted of all constitutional rights is that of petition, and it is moreover, expressly guaranteed by the constitution. But this right has been most audaciously nullified by both branches of the National Legislature. The Senate have not, it is true, avowedly refused to receive anti-slavery petitions, but they have adopted a course which answers the same purpose. The practice for some years past has been to lay the question of reception on the table without deciding it, and the petition not being in fact received, cannot be discussed, nor any measure respecting it taken. This course is no less at variance with the

* The two Senators from New-York, Messrs. Wright and Tallmadge, political friends of Mr. Van Buren, supported the bill. It is due to justice to mention, that the bill was finally lost by the votes of several *southern* Senators.

constitutional rights of the petitioners, than it is with those of the members of the Senate. The rights of petition and freedom of debate are both nullities; if the body to which a prayer is addressed, is prohibited from listening to it, and the individual members are prohibited from noticing it.—Would it be no violation of the Constitution were the Senate to order that every petition, "touching the subject of slavery," should be delivered to their doorkeeper, to be committed by him to the flames? And yet in what particular, are the rights of the petitioners more respected by the practice we have mentioned? The petitions are not indeed burned, but they are left in the pockets of those to whom they were entrusted; and not being received, the Senate is supposed to be ignorant of their contents, and of course no member is permitted to discuss their merits, or to propose any measure founded upon them. Let us now turn to what is regarded as the *popular branch*,—the House of Representatives,—intended to be the special guardian of the liberties of the PEOPLE, as the Senate is of the rights of the States.

In May, 1836, a committee reported to the House, a resolution prefaced with this extraordinary avowal: "Whereas it is extremely important and desirable, that the AGITATION on this subject (slavery) should be finally arrested for the purpose of restoring *tranquility* to the public mind, your committee respectfully recommend the following resolution."

Here then is an acknowledged, unblushing interference by the Federal Government, in behalf of slavery; an avowed interference to arrest that agitation, which we are assured by Mr. Strange, "breaks down the moral barriers," which serve to protect and secure a system of iniquitous cruelty and oppression. To arrest this agitation, the committee did not scruple to recommend a measure, breaking down the constitutional barriers erected to protect and secure the rights and liberties of the people of the United States. The resolution reported by the committee, was adopted by the House, on the 26th of May, 1836, and is in these words:

"*Resolved*, That all petitions, memorials, resolutions, and propositions relating *in any way, or to any extent* whatever, to the subject of slavery, shall without being either printed or referred, be laid on the table, and that no farther action whatever shall be had thereon." Ayes 117—Nays 68.

It is worthy of remark, that of the ayes, no less than 62 were from the free States! The advocates of this resolution, conscious that it could bear discussion as little as slavery itself, caused it to be adopted through the operation of the previous question, by a *silent* vote.

We have exhibited the character of slavery and the slave trade at the seat of the Federal Government, and have shown that Congress is the local legislature of the District of Columbia, having "exclusive jurisdiction over it in all cases whatever." Now one of the peculiar atrocities of this resolution is, that it wrests from every member of the House, his constitutional right to *propose* such measures for the government of the District as justice and humanity may require. Slaves might be burned alive in the streets of the Capital; the slavers might be crowded to suffocation with human victims; every conceivable cruelty might be practised, and no one member of the local legislature could be permitted to propose even a committee of inquiry, "relating in any way, or to any extent whatever, to the subject of slavery!"

The fact that 62 northern members on this occasion, arrayed themselves on the side of the slaveholders, affords a melancholy and alarming proof of the corrupting influence which slavery is exerting on the morality and patriotism of the free States.

This foolish and wicked expedient to "restore tranquility" to the people, by trampling on their rights and gagging their representatives, failed of success. The petitioners at this session were 34,000,—at the next the number was swelled to ONE HUNDRED AND TEN THOUSAND! and the gag was renewed. During the session of 1837–8, the number rose to THREE HUNDRED THOUSAND. Early in the last mentioned session, a member from Vermont, presented a petition for the abolition of slavery in the District of Columbia, and took the liberty to offer some remarks on the subject of slavery. This attempt to break down "the moral barriers," threw the southern members into great trepidation, and the scene which ensued, illustrates the system of *intimidation*, to which we have already adverted. The Speaker was interrupted by a gentleman from Virginia, calling aloud, and asking his colleagues to retire with him from the hall;—another from Georgia exclaimed, that, he hoped the whole southern delegation would do the same;—a third from South Carolina declared, that all the representatives from that State 'had already signed an agreement.' The House adjourned, and a southern member invited the gentlemen from the slaveholding States to meet immediately in an adjoining room. The meeting was held, but its proceedings were not made public. The result, however, was manifest in the introduction next morning, of another gag resolution, directing all memorials, petitions, and papers touching the abolition of slavery

in the national territories, and of the American slave trade, to be laid on the table, without being printed, read, *debated*, or referred, and that no farther action should be had thereon. Through the acquiescence of northern members, it was passed by a *silent vote*.

At the beginning of the next session, a meeting of the administration members was held, at which it was determined to renew the gag; and as a proof of the devotion of the democratic party at the North to the cause of slavery, it was arranged that now, for the first time, the odious measure should be proposed by a northern man: nay, not merely a northern man, but a native of New-England—a representative from New-Hampshire. The resolution was accordingly introduced, and was passed on the 12th December, 1838, and has given notoriety to the name of *Atherton*.

Thus we see a persevering, systematic effort on the part of Congress to protect slavery by suppressing debate, and throwing contempt upon the petitions of hundreds of thousands of American citizens. That this should be done by slaveholders was perhaps to have been expected; but that they should be aided in such a desperate assault upon constitutional liberty by northern men, for the paltry consideration of southern votes and southern trade, is mortifying and alarming. The meeting of extremes is a trite illustration of human inconsistency. If, in Dr. Johnson's time, the loudest yelps for liberty were heard from the drivers of slaves; the loudest yelps in the northern States against aristocracy, chartered monopolies and oppression of the poor, are now heard from men who have labored to perpetuate the bondage of millions, by gag laws, and restrictions on the freedom of speech and the press. These men are acting from party views, and are rushing to battle under the war cry of "VAN BUREN AND SLAVERY," in hopes, through southern auxiliaries of enjoying the spoils of victory. Others again, without the slightest sympathy in the political principles of these men, and with their ears stuffed, and their hearts padded with cotton, are co-operating with them in behalf of slavery, from their love of southern trade.*

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* The following are strong and amusing instances of the meeting of extremes. In the Spring of 1837, the *whig* merchants of New-York, sent a deputation to Washington to request the President to adopt certain measures to relieve the commercial embarrassments of the country. The request was declined, and a great meeting was convened to receive the report of the deputation. The report which was adopted by the meeting, recommended efforts to displace Mr. Van Buren, and as one means of effecting this object,

We will here close our protracted investigation with a brief

RECAPITULATION OF THE ACTION OF THE FEDERAL GOVERNMENT IN BEHALF OF SLAVERY.

This action we have found exhibited (omitting constitutional provisions) in

1. Its effort to degrade the free people of color by excluding them from the militia; prohibiting them from driving a mail waggon—denying naturalization to foreigners of their complexion—subjecting them to odious disqualifications and restrictions in the City of Washington; and above all in permitting them without trial, at the discretion of the marshal, to be sold as *slaves* to pay their JAIL FEES.

2. In its tolerance of slavery in territories under its exclusive jurisdiction.

3. In its arbitrary, unconstitutional, and wicked laws for the arrest of fugitive slaves.

4. In its negotiation with Great Britain and Mexico for the surrender of fugitive slaves.

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exhorted the merchants to "appeal to our brethren of the South for their generous co-operation; and *promise* them that those who believe the possession of property of *any* kind" (not excepting men, women, and children,) "is an evidence of merit, will be the last to interfere with the rights of property of *any* kind; discourage any effort to awaken an excitement, the bare idea of which *should make every husband and father shudder with horror.*" In plain English, if the slaveholders would make common cause with the New-York merchants against Mr. Van Buren, they in return would make common cause with the slaveholders against the abolitionists. But democrats know the value of southern votes quite as well as the whigs. Accordingly we find in the Washington Globe of Feb. 9, 1839, a speech *intended* to have been delivered, but prevented by the gag resolution, by Mr. Eli Moore, a double-refined democrat, President of the New-York Trades' Union, and representative from that city in Congress. This gentleman tells us "the wild, enthusiastic, and impetuous spirit which kindled the fires of Smithfield, and strewed the plains of Palestine with the corses of the crusaders, stands with lighted and uplifted torch hard by the side of abolitionism, ready to spread conflagration and death around the land"—he declares that "so long as the DEMOCRATIC or State Rights' party shall maintain the ascendancy, the efforts of the abolitionists will be comparatively innoxious:" and he announces what will be no less news to the New-York merchants, than it is to abolitionists, that "the Federal or NATIONAL BANK PARTY, believe the Federal Legislature not only have the power to abolish slavery in the District of Columbia, *but also in the States.*"

From the opinions and motives we have ascribed to masses, we know there are many exceptions. No community can offer brighter examples of virtue and philanthropy than the merchants of New-York; and he who thinks that there are not among our ultra-democrats, men who conscientiously believe the principles they profess, and act in consistency with them, does not know them.

5. In its invasion of Florida, in pursuit of fugitive slaves.

6. In its negotiations with Great Britain, for compensation for slaves who had taken refuge on board British ships of war.

7. In its negotiation with Great Britain, for compensation for slaves, ship-wrecked in the West Indies.

8. In its tolerance, protection, and regulation of the American slave trade.

9. In its duplicity, withregard to the abolition of the African slave trade.

10. In its efforts to prevent the abolition of slavery in Cuba.

11. In its conduct towards Hayti.

12. In its conduct towards Texas.

13. In its attempt to establish a censorship of the press.

14. In its invasion of the right of petition, and the freedom of debate.

Such has been the action in behalf of human bondage, of a Government which, in the language of the Constitution, was formed to establish JUSTICE, and secure the blessings of LIBERTY.

And by whom are the men composing the Government which thus perverts the objects of its institution, invested with their power? They are the agents, the mere instruments of the people of the United States—of the North and the East, as well as of the West and the South. This consideration calls us to consider

THE RESPONSIBILITY OF THE FREE STATES.

The advocates of slavery and the tools of party, are continually telling us, that "*the North has nothing to do with slavery.*" A volume might be filled with facts, proving the fallacy of this assertion. There is scarcely a family among us, that is not connected by the ties of friendship, kindred, or pecuniary interest, with the land of slaves. That land is endeared to us by a thousand recollections—with that land we have continual commercial, political, religious, and social intercourse. There in innumerable instances, are our personal friends, our brothers, our sons and our daughters.—How malignant and foolish then is the falsehood, that the thousands and tens of thousands of abolitionists among us, are anxious to see that land reeking in blood! But the more intimate are our connections with that land, the more exposed are we to be contaminated by its pollutions; and the more imperatively are we bound to seek its real welfare.

Let it then sink deep in our hearts, let it rest upon our

consciences, that in every wicked and cruel act of the Federal Government in behalf of slavery, the people of the North have participated,—we might almost say that for all this wickedness and cruelty, they are *solely responsible*; since it could not have been perpetrated but with the consent of *their* representatives. Vast and fertile territories, which might now have been inhabited by a free and happy population, have by northern votes been converted, to use the language of the poet, into

"A land of tyrants, and a den of slaves."

By northern Senators, have our African slavers been protected from the search of British cruisers. By northern representatives, is the American slave trade protected, and the abominations enacted in the Capital of the Republic, sanctioned and perpetuated: and northern men are the officiating ministers in the sacrifice of constitutional liberty on the altar of Moloch. But representatives are only the agents of their constituents, speaking their thoughts, and doing their will. THE PEOPLE OF THE NORTH have done "this great wickedness." When *they* repent, when *they* love mercy, and seek after justice, their representatives will no longer rejoice to aid in transforming the image of God into a beast of burden—then will the human shambles be overthrown in the Capital—then will slavers "freighted with despair," no longer depart from the port of Alexandria, nor chained coffles parade the streets of Washington. Then will the powers of the Federal Government be exercised in protecting, not in annihilating the rights of man; and then will the slaveholder, deprived of the countenance of the free States, as he is already of nearly all the rest of the civilized world, be led to reflect calmly on the character and tendency of the institution he now so dearly prizes, and seek his own welfare and that of his children in its voluntary and peaceful abolition.

But here we are confronted with direful prophecies. Let us then proceed to inquire into

THE PROBABLE INFLUENCE OF THE ANTI-SLAVERY AGITATION ON THE PERMANENCY OF THE UNION.

Before we can predict what this influence will be, we must first inquire, what will probably be the direction and aim of the agitation? Every State possesses all the powers of independent sovereignty, except such as she has delegated to the Federal Government. All the powers not specified in the Constitution as delegated, are by that instrument reserv-

ed. Among the powers specified, that of abrogating the slave codes of several States, is not included; on the contrary, the guarantee of the continuance of the African slave trade for twenty years, the provision for the arrest of fugitive slaves, and the establishment of the federal ratio of representation, all refer to and acknowledge the existence of slavery under State authority. If therefore the abolitionists, unmindful of their solemn and repeated disclaimers of all power in Congress to legislate for the abolition of slavery in the States, should with unexampled perfidy attempt to bring about such legislation; and if Congress, regardless of their oaths, should ever be guilty of the consummate folly and wickedness of passing a law emancipating the slaves held under State authority, the Union would most unquestionably be rent in twain. The South would indeed be craven could it submit to such profligate usurpation; it would be compelled to withdraw, not for the preservation of slavery alone, but for the protection of all its rights; and indeed the liberties of every State would be jeoparded under a government, which, spurning all constitutional restraints, should assume the omnipotence of the British Parliament. But it is scarcely worth while to anticipate the consequence of an act which can never be perpetrated so long as the people of the North retain an ordinary share of honesty and intelligence.

We have, under all the circumstances of the case, sufficient reasons for believing that the anti-slavery of the North, will carry its action to the very limits of the Constitution, but not beyond them. In despite of all the coalitions of parties, and the intrigues of politicians, liberty of speech and of the press will be maintained, and the discussion of slavery will be extended by the very efforts made to arrest it. Let us suppose this discussion to be attended with its natural and probable result, the conversion of the great mass of the northern people to the principles and avowed objects of the abolitionists. Of course, those principles and objects will be embraced by their representatives in Congress. In this case, we may expect that slavery will be abolished in the District of Columbia, and that it will be prohibited in the territories hereafter to be formed on the west of the Mississippi. Thus far the constitutional power of Congress cannot be rationally questioned. Independent of the exclusive jurisdiction over the territories granted to Congress, we have the precedent of the ordinance of 1787, prohibiting slavery in the North-west Territory, and the more recent precedent of the prohibition of it in the Louisiana territory north of

38½ degrees of north latitude. The American slave trade is now, and has been for upwards of thirty years, prohibited in vessels under forty tons burden. It would not be easy to show that the Constitution forbids its prohibition in vessels *over* forty tons burden. We may therefore take it for granted, that the *Senate's coasting trade* will be legally abolished. Should the land traffic not be also destroyed, it would not be for want of disposition, or constitutional power in Congress, but on account of the extreme difficulty which would exist in preventing evasions of the law.

We have now the sum total of national legislation, which, on our present supposition, will result from the anti-slavery action at the North. Yet we are positively assured that such legislation would cause a dissolution of the Union. Now admitting the constitutional right, and the moral obligation of our national legislators, to pass the laws in question, it would be difficult to decide by what code of morals they could be excused from the discharge of their duty by the apprehension of consequences. If God governs the world, more is to be feared from rebellion, than from obedience to his will. If his wisdom and goodness are both infinite, his will is and must be an infallible standard of expediency. If it be folly to barter a single soul for the whole world, would it be wise to expose a nation to the wrath of Heaven, for a boon which we now hold, and would continue to hold at the pleasure of men who are daily threatening to deprive us of it?

But we have no fears that Congress will ever find the faithful discharge of their duty, conflicting with the welfare and preservation of the Union. How far selfish and influential individuals may succeed in raising up at the South a party for secession, it is impossible to predict; but it is not difficult to show that a separation founded on the legislation we have specified, would be most preposterous and disastrous, and therefore we may reasonably presume it will not occur.

Should the South secede, they would do so we may suppose, for one or more of the following reasons, viz.

1. To protect their rights from invasion.
2. To guard and perpetuate the institution of slavery.
3. To increase their wealth and power.

The North is the strongest portion of the confederacy; and whenever, unmindful of the federal compact, it wickedly and forcibly usurps power to the prejudice of the South, secession is the only resource left to the latter for the protection of its rights. But a disregard to the *wishes* does not necessarily imply a violation of the *rights* of the South. Not

one of the measures we have contemplated as the probable result of the anti-slavery agitation, encroaches on the constitutional rights of the South; and therefore secession, however it might be professedly justified, would in fact be prompted by other motives than that of self-defence. But so long as the Federal Government confines its action against slavery within the limits of the Constitution, in what way would secession tend to guard and perpetuate the institution?

It is natural that the slaveholders should wish to destroy the influence of the abolitionists, and hence they have very unjustifiably expressed fears respecting them which they do not feel, and circulated calumnies which they do not believe. The following admissions reveal the *true* nature of the apprehensions entertained by the slaveholders.

Mr. CALHOUN, alluding in the Senate to opinions expressed by some of his southern colleagues, exclaimed: "Do they expect the abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is this what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from us, that the war which the abolitionists wage against us, is of a very different character, and far more effective—it is waged not against our lives, but our character."

Mr. DUFF GREEN, the editor of the United States Telegraph, and the great champion of slavery, thus expressed himself in his paper. "We are of those who believe the South has nothing to fear from a servile war. We do not believe that the abolitionists *intend*, nor could they if they would, excite the slaves to insurrection. The danger of this is remote. We believe that we have most to fear from the organized action upon the *consciences* and fears of the slaveholders themselves; from the insinuation of their dangerous heresies into our schools, our pulpits, and our domestic circles. It is only by *alarming the consciences* of the weak and feeble, and diffusing among our people a morbid sensibility on the question of slavery, that the abolitionists can accomplish their object."*

We would now respectfully submit to Mr. Calhoun's consideration, whether a secession would tend in any way to defend the *characters* of slaveholders from the war he contends is waged against them; or fortify their *consciences* against the "dangerous heresies" by which they are assailed?

* The New-York whig merchants may learn from this candid avowal, that the "bare idea" of the abolition excitement does *not* make every "husband and father shudder with horror" at the South, whatever it may do in Wall-street.

The new slave nation would acquire from her separate independence, no new power to darken the understandings, or benumb the consciences of her citizens. The freedom of the press throughout the whole slave region, is already extinguished. Not one single newspaper, from Maryland to Florida, dares to raise its voice in favor of immediate emancipation; and a southern publication, for expressing views unfavorable to slavery, notwithstanding its bitter denunciations of abolitionists, was lately taken from a Post-Office in Virginia, and in pursuance *of the laws of the State*, committed to the flames by order of the public authorities; and when the laws are silent, lynch clubs are ready to visit with infamous and cruel penalties, the man who presumes to advocate the inalienable rights of man. What new ramparts could the southern confederacy build around their beloved institution? What new weapons could they forge against freedom of discussion?

At the North, the discussion of slavery is now greatly restricted by political and mercenary considerations; but such considerations would be dissipated in a moment by secession. The very demagogues who are fawning upon the slaveholders for their votes, would, when they had no longer votes to bestow, seek popularity in ultra hatred to slavery.

The anti-slavery agitation at the North, is at present chiefly confined to the religious portion of the community; it would then extend to all classes, and be embittered by national animosity. Slavery would appear more odious and detestable than ever, after having destroyed the fair fabric of American Union, and severed the bonds of kindred and of friendship, to rivet more firmly the fetters of the bondman.

The slaveholders are now our fellow-countrymen and citizens; they would then be foreigners who had discarded our friendship and connection, that they might trample with more unrestrained violence upon the rights and liberties of their fellow-men. These considerations show that any expectation of extinguishing or weakening the anti-slavery feeling at the North by separation, must be utterly futile.

A separation would moreover deprive the institution of the protection of the Federal Government. Should the slaves attempt to revolt, the masters would be left to struggle with them, unaided by the fleets and armies of the whole Republic.

And by what power would the master recapture his fugitive who had crossed the boundary of the new empire? Now he may hunt him through the whole confederacy, nor is the

trembling wretch secure of his liberty, till he beholds the British standard waving above him. *Then* freedom would be the boon of every slave who could swim the Ohio, or reach the frontier line of the free republic. And this frontier line be it remembered, *would be continually advancing South.*—The anti-slavery feelings of the North, aggravated as they would be by the secession, would afford every possible facility to the fugitive, and laws would then be passed, not for the restoration of human property, but for the protection of human rights.

Would the dissolution of the Union afford the southern planters a more unrestricted enjoyment of the foreign or domestic slave trade? Alas! from the moment of separation, slave trading becomes PIRACY in fact, as well as in name, and the crews of New-Orleans and Alexandria, as well as of African slavers, would swing on northern gibbets.

We confess then our utter inability to perceive in what possible mode, a secession of the southern States would tend to guard and perpetuate the institution of slavery.

Would a dissolution of the Union augment the power and wealth of the slave States? The power and wealth of a nation depend on its population, industry, and commerce. The increase of the white population at the South is now small, compared with the wonderful tide of life which is rolling over the western plains. And when the southern region shall be insulated from the sympathies of the whole civilized world, and consecrated to a stern and remorseless despotism,—a despotism sooner or later to be engulphed in blood, by what attraction will it divert the tide of emigration from the fair prairies of the west, to its own sugar and cotton fields? If even now, armed patroles must traverse at night the streets and highways that the whites may sleep in safety, and military preparation is essential to domestic security,* what husband or father will take up his residence in the new empire when withdrawn from the protection of the Federal Government, and the friendship of its neighbors? The slaves are now rapidly gaining upon their masters, and will increase in a still greater ratio after the separation, since the prudent and the enterprising will abandon the doomed region, and few or none will enter it from without. Hence it is obvious that the white population could gain no accession from the erection of the Southern States into a separate confederacy.

* "A state of military preparation must always be with us a state of perfect domestic security. A profound peace, and consequent apathy, may expose us to the danger of domestic insurrection."—*Message of Gov. Hayne to the Legislature of South Carolina*, 1833.

Would secession augment the wealth of the South? Be it remembered that there is now no one restriction on southern industry and enterprise which separation would remove. The slaveholders in Congress with rare exceptions, have conducted the affairs of the nation to suit themselves. So far as the interests of the northern manufacturer were identified with the tariff, they have been sacrificed at the mandate of the cotton grower; and so far as national legislation can promote the wealth of the South, the statutes are already enacted.

It will not be denied that the larger portion of the strength of the Union—population, money, commerce, and shipping is to be found at the North. In all these elements of national power, the South participates equally with the North. The foreign invader is kept from her shores, and her property abroad is protected from spoliation at least as much by the power of the North, as by her own. Her strength for all purposes of defence, is the strength of the Union. What would it be after secession? True it is, the South would receive Texas into her arms, but she would derive neither honor nor power from the loathsome embrace. Annexation *now* would ensure to her the political dominion of the whole Republic, but *after* secession, would cause rather weakness than strength.

As we can discover no possible advantage which the South could derive from secession, we are convinced that the threats of dissolving the Union, which her statesmen are so prodigal in scattering, are the ebullitions of passion, or the devices of policy, rather than the result of mature determination. This conviction is strengthened by still further considerations.

Should the slave States withdraw without any aggression on their rights, but for the sole purpose of enjoying in greater privacy and tranquility the sweets of slavery, they would leave the whole North in a state of high exasperation. The ligaments which have so long bound us together, cannot be ruthlessly and wantonly torn asunder, without causing deep and festering wounds, the consequences of which, the imagination revolts from anticipating. And in what light would the dark and gloomy despotism be viewed by the civilized world? Mankind would behold, and wonder, and despise. The new State would be excluded from the companionship of nations. Her cotton would indeed be still purchased, as we buy the coffee of Hayti; but with the least possible intimacy. Already is our Minister at London treated with contumely, because he is a slaveholder—as the representative

only of the men who had shattered the American republic to secure the permanency of human bondage, he would not be endured at any court in Europe with the exception of Constantinople. In a few years, the slaves would attain a frightful numerical superiority over their masters. The dread of insurrection within, and of aggression from without, would realize the prediction of holy writ, when men's hearts shall fail them for fear, and for looking after those things which are coming on the earth. At length the fatal period would arrive, when, stung with insults and injuries, the new empire would appeal to arms; and should a hostile army land upon its shores, the standard of emancipation would be reared, and slavery would expire in blood.

We well know with what indignant feelings these pages will at first be read by many; and fortunate shall we deem ourselves should we escape the imputation of writing to promote insurrection and disunion. But we appeal from the decision of angry passion, to that of calm reflection. Do we not speak the words of truth and soberness? Do not the signs of the times warrant our predictions? In what respect do the sentiments we have uttered conflict with the lessons of history, or the character of human nature? Do we love the union of the States? (!) If such a love can descend by inheritance, we should possess it; if it can be founded on the most thorough conviction of the importance of union not merely to the prosperity of our country, but to the happiness of numerous and beloved children and relatives, we should possess it. If the history of the States of Greece, of Italy, of Holland, of Germany, of South America, and of our own land, demonstrates the blessings of union, and the calamities of separation; then should the prayer of every American ascend to Heaven for the perpetuity of the American Union. But let it be a union for the preservation, not the destruction of liberty: a union cemented by a sacred observance of the constitutional compact; not enforced by gag laws, a censorship of the press, and the abrogation of the right of petition—a union in conformity with the will of God, not in contempt of his authority—a union that shall be regarded as a common blessing, not held as a boon from the South, ever ready to be withdrawn as a penalty for the discharge of moral and political duties.

May Almighty God in mercy preserve the friends of emancipation, from the sin and folly of even hazarding the Union, by the slightest encroachment on the constitutional rights of the South, and may He give them grace to maintain their own rights in defiance of every menace.

APPENDIX.

THE AMISTAD CASE.

In the month of July, 1839, the Spanish schooner Amistad, Ramen Ferrer, master, sailed from Havana for Porto Principe, a place in the island of Cuba, about 100 leagues distant, having on board as passengers, Don Pedro Montes, and Jose Ruiz, with 54 fresh African negroes, just brought from Lemboko as slaves. After being out four days, the negroes rose in the night, killed the captain and cook, and took possession of the vessel. The two sailors took the boat and went on shore, and Montes was required, on pain of death, to navigate the vessel to Africa. He steered eastwardly in the day time, but put about at night, and thus kept near the American coast, until the 26th of August, when they were taken by Lieut. Gedney, United States Navy, and carried into New-London. Judge Judson, of the United States Court, was sent for, and after a short examination of the two Spaniards, and a Creole cabin boy, without a word of communication with the negroes, the latter were bound over for trial as pirates, although their utter ignorance of any European language, and the admission of Ruiz himself showed that they were fresh Africans, and of course could not be slaves by the laws of Spain. At this time, it was the united voice of the public press and of public men, that as a matter of course, they would either be tried and executed here, or delivered up to the Spaniards.

The abolitionists saw that these men had only exercised the natural right of self-defence, justified by all laws, and that justice to these strangers and a regard for the honor of law itself, required a vigorous effort to turn the tide of public opinion and judicial prejudice. Messrs. S. S. Jocelyn, J. Leavitt and Lewis Tappan, were appointed a committee to take charge of the case, who immediately engaged as counsel, Seth P. Staples and Theodore Sedgwick, Esqrs., of New-York, and R. S. Baldwin, of New-Haven. Our hands were strengthened by a letter from Mr. Adams, which was published in the newspapers, asserting the right of the negroes to act as they did, and declaring that the vessel and its contents were theirs by the law of nations.

On the 6th of September, M. Calderon de la Barca, the Spanish Minister, demanded the immediate delivery of the schooner and cargo to Ruiz and Montes, under the treaty,

and that "the negroes be sent to be tried by the proper tribunal" in Cuba. He thus establishes the distinction between the "negroes" and the "cargo." He urges as reasons why the negroes should be given up, "the law of nations in a case analagous," and also that "the crime in question is one of those, which, if permitted to pass unpunished, would endanger the internal tranquility and safety of the Island of Cuba, where the citizens of the United States not only carry on a considerable trade, but where they possess territorial properties which they cultivate with the labor of African slaves;" and further, that if the negroes "should be condemned by the incompetent tribunal that has taken upon itself to try them as pirates and assassins, the infliction of capital punishment here would not be attended with the salutary effects," and "the satisfaction due to the public mind would not be accorded." And as a further inducement, he promises that his Government "would immediately accord the extradition of any slaves that might take refuge there from the southern States."

On the 5th of September, the United States Attorney for the District of Connecticut, W. S. Holabird, Esq., wrote to Mr. Forsyth, the Secretary of State, apprising him that "the Marshal of this District has in his custody the Spanish schooner Amistad, with her *cargo and* 41 *blacks*, supposed to be slaves." The blacks "are now in jail at New-Haven," and "the schooner and cargo have been libelled by Lieut. Gedney" for salvage. Here again is the distinction between the "cargo" and the "blacks." He says so, "the next term of our Circuit Court sits on the 17th instant, at which time I suppose it will be my duty to bring them to trial, unless they are in *some other way disposed of*." To this Mr. Forsyth replies, Sept. 11, that the Spanish Minister has claimed the "vessel, cargo, and blacks on board, as Spanish property," and directing Mr. Attorney to "take care that no proceeding of your Circuit Court, or of any other judicial tribunal, places the vessel, cargo, or slaves beyond the control of the Federal Executive." M. Calderon had not demanded the "blacks" as "property" at all, but as criminals; and his successor, M. Argaiz, Nov. 26, says his complaint is that "the public vengeance has not been satisfied, for be it recollected that the legation of Spain *does not demand the delivery of slaves, but of assassins*." In the face of this declaration of the legation, Mr. Forsyth instructs Mr. Holabird that the blacks are claimed as "property," and the whole proceeding of our Government is based upon this false assumption.

On the 9th Sept., Mr. Holabird writes to Mr. Forsyth that he thinks the United States Courts have no jurisdiction over the alleged crime, as it was committed on board a Spanish vessel on the high seas, and he eagerly asks "whether there are no treaty stipulations with the Government of Spain that would authorize our Government to deliver them up to the Spanish authorities; and if so, whether it could be done before our Court sits?" The Executive, however, dared not take the responsibility of sending these MEN beyond seas by a mere order, without warrant or form of law.

Mr. Holabird writes again, Sept. 21, to Mr. Forsyth, that "with a view of carrying out your instructions," that is, to prevent "any other judicial tribunal" from placing the negroes "beyond the control of the Federal Executive," he had "filed a libel in the District Court, against the negroes, in behalf of the United States, averring" that they had been claimed by the Spanish Government *as property*, and also that they had been "imported in violation of the law of 1819," prohibiting the slave trade, and praying the court to "decree that the Marshal hold them subject to the order of the Federal Executive on the one claim or the other." The Circuit Court instructed the Grand Jury that they had no jurisdiction over the alleged crime. The Committee then caused a writ of *habeas corpus* to be issued from the Circuit Court, to know by what authority the negroes were detained by the Marshal, but Judge Thompson, after full argument, decided that, since these persons had been libelled as property, the question of their right to liberty could not be examined on *habeas corpus*—thus subjecting the Common Law and habeas corpus to the paramount authority of the Civil Law in Admiralty process, on a claim of human beings as property—a virtual prostration of the great bulwark of personal liberty, the *habeas corpus*.

The hearing of the case in the District Court was adjourned to the November term, and afterwards to January. On the 5th Nov., Mr. Holabird again writes to Mr. Forsyth that "if there is any action to be had on the part of our Government, with reference to the blacks, it is important that we be informed, *either officially or unofficially, before the session of the court.*" And again, Nov. 14, asking leave to employ assistant counsel because "my health is feeble, and *if the matter is not disposed of by the Executive* before our court sits, much is to be done." This proves beyond a doubt that there were all the while negotiations and consultations going on, "officially or unofficially," to see if some method could not

be hit upon to put these negroes in the power of their enemies, and satisfy "public vengeance" at Cuba, without waiting the slow and uncertain movement of the courts of law. But the risk was too great, of thus openly assuming the forms as well as powers of despotism. This is surprising too, inasmuch as the Attorney General of the United States, Hon. Felix Grundy, had advised in the first stage of the proceedings, that the negroes were a part of the cargo, and that the proper mode of proceeding "would be for the President of the United States to *issue his order, directed to the Marshal*, in whose custody the vessel *and cargo* are, to deliver the same" including the negroes, to the order of the Spanish Minister; and M. Argaiz says, Dec. 25, this opinion "was confidentially communicated to him at the Department of State on the 19th of November," and "he was assured had been adopted by the Cabinet."

In the mean time, the Vigilant Committee on behalf of the negroes, had Messrs. Ruiz and Montes arrested in New-York, on a civil suit for assault and false imprisonment on the high seas. This brought out a bitter complaint from M. Argaiz, Oct. 22, which was answered by Mr. Forsyth instructing the United States Attorney for New-York, B. F. Butler, to offer them his "advice and aid if necessary, as to any measure which it may be proper for them to take to obtain their release, and indemnity" for their arrest. Mr. Butler very properly advised them that the only way to get out of prison was to give bail, but Ruiz declined to give bail, "for reasons of state," as he himself said in a note in the newspapers, or as Mr. Butler informs Mr. Forsyth, November 18th, "under the hope that his deliverance might be effected through the intervention of the Government of the United States," but finding this could not be done, bail was finally given. The suit, however, was never brought to trial. The transaction, however, exhibited the spirit of the Executive. M. Argaiz writes to Mr. Forsyth, Dec. 25, "The undersigned would not have troubled the Government of the Union with his urgent demands, if the two Spaniards (who as the Secretary of State, in his note of the 12th, says 'were found in this distressing and perilous situation by officers of the United States, who moved by *sympathetic feelings which subsequently became national*') had not been the victims of an *intrigue*, as *accurately shown by Mr. Forsyth*, in the conference which he had with the undersigned on the 21st of October last." And Mr. Forsyth, in the letter above referred to, Dec. 12, assures M. Argaiz that "with the single exception of the *vexatious* detention to which Messrs. Ruiz and

Montes have been subjected in consequence of the civil suit instituted against them, *all the proceedings* in the matter, on the part both of the executive and judicial branches of the matter, have had their foundation in the *assumption that those persons alone were* the parties aggrieved, and that their claim to the surrender of *the property* was founded in fact and in justice."

All this, however, does not satisfy the Spanish Minister, who had claimed, Nov. 26, that it was the duty of the Government to have acted "*gubernativamente*" by Executive mandate; and declared that it "must be the opinion of the Cabinet," that the Government possessed already "the necessary powers to act *gubernativamente*," and "without awaiting the decision of any court." And he demands such action as a proper "proof of the scrupulousness and respect with which this nation fulfills treaties;" and he threatens that "if, contrary to this hope, the decision should not be as the undersigned asks, he can only declare the General Government of the Union responsible for all and every consequence which the delay may produce." No rebuke was returned for this insolence, but when, afterwards, Jan. 20, 1841, the British Ambassador, Mr. Fox, in obedience to the orders of his Government, wrote to Mr. Forsyth, courteously expressing his "hope" that the President would "find himself empowered to take such measures for the Africans as shall secure to them their liberty, to which without doubt they are by law entitled," the Secretary tartly replies, that the communication is received "as an evidence of the benevolence of Her Majesty's Government—*under which aspect alone it could be entertained* by the Government of the United States."

In his letter of Dec. 12, Mr. Forsyth had assured M. Argaiz that while the delays and proceedings in the courts were "beyond the control of this Department," at the same time "it is not apprehended that *they will affect the course* which the Government of the United States may think fit ultimately to adopt." What this hint was designed to assure M. Argaiz of, we could probably better understand if we had minutes of the "confidential" conversations so often referred to in the correspondence. As it is, we can only infer what was meant, from what was done. Dec. 30, M. Argaiz writes to Mr. Forsyth, referring to "a conversation which I had with you on the morning of the day before yesterday," in which "you mentioned the possibility that the Court of Connecticut might, at its meeting on the 7th of January next, declare itself incompetent, or order the restitution of the

schooner Amistad, with her cargo, and the negroes found on board of her;" and saying that as "these negroes have declared before the Court of Connecticut that they are not slaves, and that the best means of testing the truth of their allegation is to bring them before the courts of Havana," and he is "at the same time desirous to free the Government of the United States from the trouble of keeping said negroes in prison;" he asks as a final and "most particular favor," that our Government would place the negroes "at the disposal of the Captain General of the Island of Cuba, by transporting them thither in a ship belonging to the United States."

On the 6th of Jan. 1840, Mr. Forsyth replies, that he is instructed by the President to state that "in the event of the decision of the Circuit Court of Connecticut being such as is anticipated," he will "cause the necessary orders to be given for a vessel of the United States to be held in readiness to receive the negroes and convey them to Cuba;" and that "the President has the more readily acceded" to the request, that the negroes "may have an opportunity of proving the truth of their allegation" that they are not slaves, "before the proper tribunals of the island." A most benevolent motive for sending persons out of the country!

On the same day, Mr. Forsyth wrote to Mr. Holabird that "the President has, *agreeably to your suggestion*, taken in connection with the request of the Spanish Minister, ordered a vessel to be in readiness to receive the negroes," as "the presumption is that the court will decree" that "they are to remain in the custody of the Marshal to be delivered over" —and requiring him to have all the documents "*ready to be handed over* to the commander." The requisition upon the Navy Department is dated Jan. 2, and requires the vessel "to be ordered to anchor *off the port* of New-Haven," not in the harbor, "as early as the 10th of January," and there await her final instructions. The Grampus, Lieut. Paine, sailed under sealed orders from the Navy-Yard at Brooklyn. By letter of Jan. 7, Lieut. Paine was directed to "place himself in communication" with Mr. Holabird, that "he may receive *the earliest information* of the decision of the court." All this, and many other circumstances, evidently point to an understanding among the parties with regard to "the course which the Government" was now "ultimately to adopt." No letter of Mr. Holabird containing the "suggestion" about sending the negroes away in a national vessel, appears among the printed documents, and it must therefore

have been made in the course of that "confidential" intercourse, carried on "officially or unofficially," which is so often alluded to. The friends of the Africans were not insensible to the danger of some secret and sudden movement, and therefore took the best measures in their power, by sleepless vigilance, and by providing fleet horses at hand, to baffle any such design. That these fears were not groundless, will be seen by a letter from Mr. Holabird to Mr. Forsyth, written Jan. 11, during the progress of the trial at New-Haven, in which he points out an error in "the Executive warrant to the Marshal of this District for the delivery of the negroes of the Amistad," in using the term "Circuit Court" for "District Court." He says, "should the *pretended* friends of the negroes obtain a writ of habeas corpus, the Marshal could not justify under that warrant." And he proceeds, "The Marshal wishes me to inquire whether, in the event of a decree by the court requiring him to release the negroes, or in case of an appeal by the adverse party, it is expected the Executive warrant will be executed?" What expectation does this point to? This was despatched by an express messenger, with such haste, lest perchance this clerical blunder should defeat the designs of the Government, that the reply of Mr. Forsyth is dated the following day, and correcting the mistake, and instructing him, "by direction of the President, that, if the decision of the court is such as is anticipated, the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. You are not to take it for granted that it will be interposed." This is a plain intimation that it was intended to hurry the negroes out of the jurisdiction of the court on the instant the expected decision of the court should be given. The following is the "Executive Order," which Mr. Van Buren should have always before his eyes, and posterity should cause it to be graven on his tomb, to rot only with his memory.

"The Marshal of the United States for the District of Connecticut, will deliver over to Lieut. John J. Paine, of the United States Navy, and aid in conveying on board the schooner Grampus, under his command, all the negroes, late of the Spanish schooner Amistad, in his custody, under process now pending before the Circuit Court of the United States for the District of Connecticut. For so doing this order will be his warrant.

"Given under my hand, at the city of Washington, this 7th day of January, A. D. 1840. "M. VAN BUREN.

"By the President:

"JOHN FORSYTH, Secretary of State."

The unexpected decision of Judge Judson in favor of the negroes, declaring them to be manifestly fresh from Africa, and so entitled to their liberty even under the laws of Spain, defeated all these plans, and drove the Government to the necessity of appealing to the Supreme Court of the United States for a final decision, and of supporting this large company in custody at a vast expense, not yet publicly ascertained, all which was cheerfully undertaken, rather than yield to the demands of justice and mercy to the strangers. The Committee took the best methods in their power to give these benighted heathen such instruction as they were capable of receiving; and the most thorough preparations were made for the final trial, which took place at Washington, at the term of the Supreme Court for January 1841. By the blessing of Heaven upon the efforts of the counsel, Mr. Baldwin, and the venerable John Quincy Adams, aided by the light thrown upon the public mind, the Supreme Court confirmed the decision of the lower tribunal, so far as to declare the negroes perfectly FREE. "Thy prey hath escaped thee!"

In the following autumn, so many as survived were sent, by public charity, to Sierra Leone, on the coast of Africa, and within a moderate distance of their own homes. Laus Deo.

THE CREOLE CASE.

On the 27th of October, 1841, the brig Creole, of Richmond, a regular slaver in the *American* slave trade, sailed from Hampton Roads for New-Orleans, "with a cargo of slaves and tobacco," the slaves about 135 in number. On Sunday evening, Nov. 7, the captain hove to, expecting to make Abaco reef next morning. About 9 o'clock P. M., a rising took place of a part of the slaves, who soon obtained complete possession of the vessel, having in the struggle wounded the captain and killed a man named Hewell. They retained the possession, and compelled a passenger named Merritt to navigate them to Nassau, where she arrived, in possession of the negroes, on the 9th. The American Consul, John F. Bacon, immediately went on board, and placed the passenger named Merritt in command, ordering him to keep the American colors set. He also applied to the Governor for an armed force to prevent any of the "slaves" from landing "until further investigations can be made." In compliance with this request, an officer with 20 black troops was sent on board the vessel, and an official notification sent to the Consul, 1. That the courts of the island had no juris-

diction of the alleged offences, and 2. That inasmuch as it was charged that the crime of murder had been committed on the high seas, an examination would be had and all parties that should appear to be implicated in the crime "should be detained here until reference could be made to the Secretary of State," in England, to decide whether they could be delivered over to the American Government. The examination was not concluded until Friday, about 12 o'clock, when the mate in command said he had no more witnesses to produce, and 19 of the negroes, being all that were identified as having taken any part in the capture or control of the vessel, were sent on shore as prisoners, the guard of troops withdrawn, and the rest of the negroes told that they were no longer under restraint, but were free to go ashore, or where they pleased. The Attorney General of the island says that the mate, Gifford, informed him that "it was not his desire to detain on board of his vessel one of the persons (shipped as slaves) who did not wish to remain, and that they had his free permission to quit here, if they thought proper to do so; but that he was apprehensive that the persons in the surrounding boats" (a large number of which were in the neighborhood, to convey and welcome the strangers to the shore) "would, as soon as the military were withdrawn, board his vessel and commit acts of robbery and other violence." To this, Mr. Attorney replied, as he says, that he "had no instructions to interfere" between him and "the persons" called slaves, and that as to the people in the boats, "precautions had been taken against" violence, and "he might rely upon being protected by the authorities against any violations of the law." He declares that the departure of the negroes from the Creole "was their own free and voluntary act, sanctioned by the express consent of the mate, and that neither myself nor any other of the authorities of the colony then on board interfered in the slightest manner to induce them to take that step." All the colored persons immediately rushed into the boats and went ashore, except four or five of the women. On the 18th, a vessel sailed for Jamaica, with 50 passengers, the greater part being of those who landed from the Creole, and on the 19th, the Creole sailed for New-Orleans, where she arrived Dec. 2d.

The American Consul protested to the Governor against the proceedings by which the negroes had been allowed to go ashore. The ground of his complaint is thus stated:

"These slaves, as I view the case, while they were under the American flag, and regularly cleared from one slavehold-

ing State to another, within the United States, were as much a portion of the cargo of the said brig, as the tobacco and other articles on board; and whether on the high seas, or *in an English port*, does not change their character; and that her Majesty's Government had not the right to interfere with or control the officers of an American vessel, so circumstanced, in such a course as might be *necessary and proper to secure such property* from being lost to the owners."

This is the American claim, then, that the condition of slavery, which was fixed upon these persons in Virginia remained so attached to them in a British port, that their master or owner had a right to demand the aid of British authorities to re-establish his authority, and then a right to use, in such British port, any means, of force or fraud, necessary to "secure *such* property" from the peculiar perils of these waters.

That both force and fraud were planned by the Americans, and prevented by the British authorities, is plain from the documents. Capt. W. Woodside, of Brunswick, Maine, master of the bark Louisa, then at Nassau, deposes that on the 13th, at the time the Creole was surrounded by boats with colored persons, none of whom were allowed to come on board until the 19 prisoners were secured, "that at about 12 o'clock a boat with five white men came along side, and were ordered off, though this deponent informed the officers that they had been sent by the American Consul *to supply the place* of those on shore." The Consul, in his letter to Mr. Webster, says, "I was informed by respectable persons that an attempt would be made to liberate the slaves by force." The mate also informed him that "the crew were greatly intimidated," and in consequence of this, "a mate and four American seamen volunteered to go on board, and proceeded to the brig at my request." This was the aspect of the transaction officially presented to the American Government, and used by it as the basis of an application to the British Government for redress and indemnity. But it so happened that the cargo of slaves was insured, and in the policy there was a guaranty by the insured against mutiny of the slaves. For the purpose therefore, of exonerating the vessel, and of charging the insurers, as well as to secure the freight on the lost cargo, another pretext was made, at New-Orleans, by Gifford as acting master, and the crew and passengers, which tells the whole story about the "five white men," sent by the American Consul, "to supply the place of those on shore," and shows the nature of the "interference" which was afterwards the ground of complaint.

[See Senate Documents, 27th Congress, 2d Session, No. 51, pp. 44, 45.]

By reference to the above document it will be seen that it was the not making a distinction between the boats that hovered around the Creole at the moment of closing the examination—the not keeping off the blacks and letting on the whites, the refusal to countenance *and aid* this CONSPIRACY, which constitutes the head and front of the "interference" by the British authorities. After the negroes were landed, the Attorney General sent to the brig for the *baggage* of the "passengers," which was finally taken by an officer of the customs, the mate protesting that both the negroes and their clothing were the property of their masters. The captain then wished to sell some of his provisions, and was told that he might, if he would enter his vessel at the Custom-House, and enter the negroes as passengers, which he declined!

The news reached Washington on the 15th December, and produced the greatest excitement in Congress. On the 22d the case was brought forward in the Senate, by Mr. Barrow, in connection with a memorial of the owners of the Hermeza, a slaver that was shipwrecked the year before, and the slaves carried to Nassau and allowed to enjoy their liberty. It was debated by Messrs. Barrow, Calhoun, King, Preston and Rives, all slaveholders, not one northern Senator saying a word! Mr. King said, "If such outrages continue, nothing could prevent a collision; and unless the British Government *should retrace her steps*, war must inevitably ensue." Mr. Calhoun hoped the citizens would "know what protection this Government could extend to their property, and if we cannot obtain justice, every man with an American heart will be ready to raise his hand against oppression." Mr. Preston "did not consider it a case of war." He said, "the British Government had fallen into new hands, and there was some reason to believe that the new Ministry would reverse the former decision respecting the seizure of slaves." Mr. Barrow said, "the people of the South would not submit to British interpretation of the laws of nations, making a distinction between slaves and goods;" and that "if these contemptible British subjects at Nassau are permitted to go on in this way, seizing by force of arms and liberating slaves belonging to American citizens, the South would be compelled to fit out an armament and destroy those towns." Mr. Rives "was opposed to this premature discussion." The voice of the Senate had been given by "the unanimous vote

on the resolutions respecting the case of the Enterprise." These gentlemen did not advert to the fact that it is not British policy that creates the difficulty, but the British law, and that for England to retrace her steps in this matter, she must first destroy her Constitution. And yet it goes out uncontradicted, that unless she emasculate the habeas corpus, we will wage war against her.

On the 10th of January, the subject was brought up again, by Mr. Calhoun, who offered a resolution calling upon the President for information respecting the Creole, "the murdering of a passenger, the wounding of the captain and mate by the *slaves* on board, and the occurrences afterwards," &c., with his opinion as to what ought to be done to "redress the wrong done to the American flag." No northern Senator had a suggestion to make.

The next day, when the resolution came up regularly for consideration, the Senate was thrown into a paroxysm, by a motion of Mr. Porter, of Michigan, to substitute the word "persons" for "slaves" as more conformable to the Constitution. Calhoun, in a tone of imperiousness, demanded the object of the motion. It could be with no other object than to deny the rights of the South in regard to their slaves, and he should like to know if there was more than one man on that floor who held such views. Archer, and Berrien, and King, and Preston followed, in the same strain. Preston denied that slaves were persons, in any sense; they were property, and to be treated as property, and he regretted that the fathers of the Constitution had been so fastidious in avoiding the term slaves. Porter remained firm, and marvelled at the sudden discovery that the language of the Constitution was a firebrand; but finally, seeing himself supported by not a single northern Senator, he unfortunately yielded to the entreaties of his venerable colleague, Governor Woodbridge, and withdrew his motion. So, the resolution was adopted, unanimously.

The President replied, Jan. 20, communicating the documents received, and saying that the Secretary of State was to prepare a despatch to our Minister at London "without delay." Some remarks were again made by the slaveholders, no northern Senator saying a word. On the 18th of Feb., the subject was again introduced, by the slaveholders, in connection with the claims on Mexico, no northern Senator offering a word. On the —— of Feb., Mr. Walker, of Mississippi, moved another resolution of inquiry, which was adopted no northern Senator saying a word. The President,

in reply, communicated Mr. Webster's letter of instructions to Mr. Everett, our Minister at London, concerning this case. This letter was read, and called forth the most ecstatic eulogiums from the slaveholding Senators, no northern Senator saying a word!

Mr. Webster's letter next requires to be considered. It bears date Jan. 29, 1842, and after a brief recital of the facts, says, "The British Government cannot but see that this case, as presented in these papers, is one calling loudly for redress." He says, the slaves are "recognized as property by the Constitution of the United States in those States in which slavery exists." It would be difficult for Mr. Webster to substantiate this assertion. He says it was "the plain and obvious duty of the authorities at Nassau" to assist the Consul "in putting an end to the captivity of the master and crew," [a full admission that they were brought to Nassau in "captivity" to their masters, the negroes,] which they did—"restoring to them the control of the vessel," which they did—"and enabling them to resume their voyage,"—which they did—"and to take the mutineers and murderers to their own country, to answer for their crimes before the proper tribunal." This last they did not do, and our own Government had just set an example in the case of the Amistad "mutineers and murderers." Where, then, is the complaint? However, Mr. Webster says, "if the facts turn out as stated," in the papers sent, "this Government thinks it a clear case for indemnification," on the ground that the authorities "did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of their owners." We have seen exactly what this interference was. But Mr. Webster asks, "What right had the British authorities to inquire into the cargo of the vessel, or the condition of the persons on board? These persons might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own voluntary act; they might be in confinement for crimes committed; they might be prisoners of war; or they might be free. How could the British authorities look into and decide any of these questions? Or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all?" To this it might be replied, that they did not attempt to inquire, but let each one decide and act for himself, refusing to allow one part of the persons on board to exercise violence in depriving the other class of liberty. Mr. Webster further refers

to Mr. Calhoun's resolutions, so called, in the Senate in 1840, as "resolutions *unanimously* adopted by that body," and requires Mr. Everett, in all his "communications with Her Majesty's Government," to "seek to impress it with a full conviction of the *dangerous importance to the peace* of the two countries, of occurrences of this kind, and the *delicate* nature of the questions to which they give rise." In other words, he was to hint significantly towards a threat of war, on account of these slaves.

There is an important authority against this claim, that has not been noticed in the whole of this controversy. It is an official opinion given Dec. 6, 1831, on requisition of the Secretary of State, by Mr. Taney, then Attorney General, but now Chief Justice of the United States. It originated in an application of a Mr. Brooks, "to ascertain whether the right of property in a slave, employed as a seaman, on board of a British merchantman, would be protected by the Government of the United States." Mr. Taney says,

"The laws of the several States, made in the exercise of their constitutional powers, are unquestionably a part of the laws of this country, to the extent of the territory on which they operate. If, therefore, by the laws of any of the States, a slave becomes free as soon as he is brought within the limits of the State; and a slave belonging to a British subject, and employed as a seaman on board a British merchant vessel, *is found* within the limits of the State, and is there *taken by the State authorities* from the possession of his owner, and declared to be free, the General Government is under no obligation to interfere in behalf of the master, and he has no right to call on the United States to support him in his claim of property. It is, perhaps, unnecessary now to inquire whether the United States could by treaty, control the several States in the exercise of this power. I think they could not. But the decision of that question is not material in the present state of things; for there is no conflict between the stipulations in the treaty and the laws of the several States which forbid the introduction of slaves within their limits, and declare that persons of that description, when introduced, shall be free."

But Mr. Webster concedes away his whole case, when he says,

"*If, indeed*, without unfriendly interference, and notwithstanding the fulfilment of all their duties of comity and assistance by these authorities, *the master of the vessel could not retain the persons, nor prevent their escape, then it would be a*

different question altogether, whether resort could be had to British tribunals, or the power of the Government in any of its branches to compel their apprehension and restoration."

It was the withdrawal of the assistance of the British authorities that disabled the owners from preventing the escape of the negroes. An able article was published in the Virginia papers, written by Conway Robinson, Esq., an eminent lawyer of that State, proving from the decisions of British Courts, and particularly from the great case of Forbes vs. Cochrane, where Judge Helroyd laid down the law thus —"The law of slavery is a law *in invitum* [against the will of the subject,] and when a party gets out of the territory where it prevails, and out of the power of his master, and gets under the protection of another power, *without any wrongful act done by the party giving that protection*, the right of the master, which is founded on the municipal law of the particular place only, does not continue."

Of the multitude of able and eloquent comments of newspapers on Mr. Webster's letter, space is afforded only to a single extract from the London Times:

"We do not doubt that he feels the difficulty of his task.—we believe he is alive to the audacity of requiring that English magistrates should administer American law on English territory. His tone is not that of a man who thinks himself in the right. But he finds it necessary to avoid drawing down on his own head and that of the American Executive all that raving of Mr. Calhoun and his friends which at present finds a more innocuous vent in the direction of Great Britain. And with this view he has had to write a letter which shall have about it enough display of argument, and menace, to satisfy these warmer spirits, without absolutely closing the door against reconciliation, or palpably making a fool of himself in the eyes of the British Minister. If these are his objects, his letter deserves much credit for the ingenuity with which he has accomplished them. In the first he seems to have been completely successful. "Mr. Walker expressed his gratitude at the tone and principle of the instructions. Mr. Calhoun had heard the documents read with great pleasure. The argument occupied the whole ground, and coming from the source it did, it would put, he hoped, an end to this dangerous and unpleasant controversy."— Judging from the cogency of Mr. Webster's arguments, as they appear to us, we can only comprehend this excess of satisfaction in those in whose behalf they are adduced, upon the supposition that Messrs. Calhoun and Co. are sharp

enough to see how the real merits of the matter stand, and are actually surprised to find how much can be said for them; like the winner in a famous law suit, from whom the speech of his own able counsel is said to have elicited the incautious ejaculation, that 'he had never known he was such an honest man before.' Of this we wish Mr. Webster joy."

The facility with which Mr. Webster speaks of Madison Washington, and his associates as "mutineers and murderers," might well feel rebuked by the remarks of Chief Justice Marshall, in the case of Thomas Nash, alias Robbins, an impressed seaman, who was demanded of our Government, while Jay's treaty was in force, on a charge of murder. "The act," he said, "of impressing an American, is an act of lawless violence. The confinement on board a vessel is a continuance of that violence, and an additional outrage. Death committed within the United States, in resisting such violence, would not have been murder, and the person giving the wound could not have been treated as a murderer.—Thomas Nash was only to have been delivered up to justice on such evidence as '*had the fact been committed in the United States*, would have been sufficient to have induced his commitment and trial for murder.'"

Mr. Webster's affirmation that slaves are treated as property, by the Federal Government, in the States, guarded and almost deceptive as it is, is yet palpably contradicted by the uniform decisions of Congress with regard to all claims of payment for slaves who have been impressed or otherwise brought into the public service, and killed or lost. The case of Mariguy D. Auterive, which was before Congress almost ten years, and finally quashed in 1828, is well known to Mr. Webster, and is conclusive on this head.

The case of the Creole was brought into the negotiation between Mr. Webster and Lord Ashburton, which resulted in the treaty of Washington. There is no record of these negotiations known to the world, except some letters, which appear to have been written after the whole business was settled, and written on a mutual understanding that they were written for the "outside people." Mr. Webster's letter on the Creole bears date Aug. 1, 1842. It is long and ingenious, but the point which he elaborates with the greatest care, is, "that by the comity of the law of nations, and the practice of modern times, merchant vessels entering open ports of other nations for the purposes of trade, are presumed to be allowed to bring with them, and to retain for their protection and government, the jurisdiction and laws of their

own country." Hence he infers that persons on board an American ship, being slaves while on the high seas, are also slaves in a British port, although they would be free, as he admits, if they were to touch the land. While elaborately constructing this argument, he admits what seems to us to deprive it of all value to him, namely, that a State may declare such of its laws as it pleases to extend over its own waters. Now we take it to be distinctly the law of England that slavery can exist no more in its waters than on its solid land; and we think an attempt to make a distinction between the two is utterly unwarranted and futile. According to Mr. Webster's argument, an American vessel might retain her slaves at London Bridge. What Englishman, knowing slaves to be in her, would not immediately apply for a writ of *Habeas Corpus*, and triumphantly effect their liberation?

The most surprising part of the whole is its effect upon the British Ambassador, as disclosed by the tone in which Lord Ashburton replies to it. He entirely evades the argument, with an appearance of timidity for which we are sure there could have been no grounds; while the absence of any adequate enunciation of British law, or declaration of British feeling, in reference to freedom, gives a suspicious and unsatisfactory aspect to the following passage:

"In the meantime, I can engage that instructions shall be given to the Governors of Her Majesty's colonies on the southern borders of the United States to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood, and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. The laws and duties of hospitality shall be executed; and these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters."

This concession or pledge, excited the greatest dissatisfaction in England, was discussed with much earnestness and severity in both Houses of Parliament, and for a long time stood in the way of the legislation necessary for carrying out the treaty.

In the American Senate, the debates on the ratification of the treaty show that this concession was deemed of great importance. The following extract from the speech of Mr. Calhoun, may serve as a specimen of their exultation:

"In the first place, the broad principles of the law of nations, on which he placed our right in his resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says, that "on the great general principles affecting this case" (the

[illegible]) "they do not differ;" and that is followed by "an engagement that [illegible] shall be given to the Governors," &c., as above.

[illegible] by our Executive, accompanied by the express [illegible] of the [illegible], through the Secretary of State. To all this it may be added, that strong assurances are given by the British negotiator, of his belief that a final arrangement may be made of the subject by positive stipulations in London. Such is the state in which the negotiation has left the subject.

"Here again he would repeat, that such stipulations in the treaty itself would have been preferable. But who can deny, when he compares the state of the facts, as they stood before and since the close of this negotiation, that we have gained—largely gained—in reference to this important subject? Is there no difference, he would ask, between a stern and peremptory denial of our right, on the broad and the insulting ground assumed by Lord Palmerston, and its explicit recognition by Lord Ashburton?—none in the pledge that instructions should be given to guard against the recurrence of such cases, and a positive denial that we had suffered no wrong or insult, nor had any right to complain?—none between a final closing of all negotiation, and a strong assurance of a final adjustment of the subject by satisfactory arrangement by treaty? And would it be wise or prudent on our part to reject what has been gained, because all has not been? As to himself he must say, that at the time he moved his resolutions, he little hoped, in the short space of two years, to obtain what has already been gained; and that he regarded the prospect of a final and satisfactory adjustment, at no distant day, of this subject, so vital in its principles to his constituents and the whole South, as far more probable than he then did this explicit recognition of the principles for which he contended. In the mean time he felt assured the engagement given by the British negotiator would be fulfilled in good faith; and that the hazard of collision between the countries, and the disturbance of their peace and friendship, has passed away, as far as it depends on this dangerous subject. But if in this he should unfortunately be mistaken, we should stand on much more solid ground in defence of our rights, in consequence of what has been gained; as there would then be superadded broken faith to the violation of the laws of nations."

The sincerity of this exultation on the part of the slaveholders may be seen in the vote on the ratification of the treaty. Notwithstanding the determination declared by the press and by Senators, not to allow the boundary question to be settled without indemnity for the past and security for the future, in cases like that of the Creole, the treaty was ratified, as appears by the record. On the question to agree thereto, It was decided in the affirmative: Yeas 39, nays 9.

Those who voted in the affirmative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Sevier, Simmons, Smith, of Indiana, Sprague, Tallmadge, Tappan, Walker, White, Woodbridge, Woodbury, Wright, Young.

Those who voted in the negative are—

Messrs. Allen, Bagby, Benton, Buchanan, Conrad, Linn, Smith, of Connecticut, Sturgeon, Williams.